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George Bancroft

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THE

NATURAL AND CIVIL

HISTORY

OF G Bancroft

VERMONT.

BY SAMUEL WILLIAMS, LL. D.

MEMBER OF THE METEOROLOGICAL SOCIETY IN GERMANY, OF THE
PHILOSOPHICAL SOCIETY IN PHILADELPHIA, AND OF THE
ACADEMY OF ARTS AND SCIENCES IN MASSACHUSETTS.

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THE

NATURAL AND CIVIL

HISTORY OF VERMONT.

CHAPTER I.

CIVIL POLICY. *From the year* 1760 *to* 1775. *Settlement of Vermont by the English. Grants from New Hampshire. Proceedings of New York. Violent opposition of the Settlers. American War. Its commencement, importance and aspect.*

1761. THE large and valuable tract of country, which is now known by the name of Vermont, was situated between the New England provinces, New York, and Canada. Its distance from the English settlements along the sea coasts, and from the French on the river St. Lawrence, prevented any settlements being made in it, at an early period, by either nation: But both of them, were making constant advances towards it. So early as the year 1615, the Dutch had advanced one hundred and sixty miles up Hudson's river, and built a fort at Albany. In 1640, the French had extended far up the river St. Lawrence; and began their settlements at Montreal. In 1635, the English began the town of Springfield, upon Connecticut river; and by 1670, had extended as far up the river, as Deerfield. On September 3d, 1696, Colonel Fletcher, governor of New York, made a grant to Godfrey Dellius, a clergyman at Albany, of a tract of land on the east side of Hudson's river: This tract extended from the northernmost bounds of Saratoga, to the Rock Rossian, (now called Split Rock, in the township of Willsborough) about seventy miles in length, and in width, twelve miles from Hudson's river. In 1699, this grant was declared by the government of New York to have been extravagant, and vacated on that account.* In 1716, a tract of land was granted by the general court of Massachusetts, in the south east part of the state, containing more than one hundred thousand acres. But it was not until the year 1724, that any settlement was made, within the bounds of Vermont: The government of Massachusetts, then built fort Dummer, upon Connecticut river. This fort, was then admitted to be within Massachusetts, afterwards it was found to be in New Hampshire, and is now in Vermont. This was the first settlement, any civilized nation had ever made, in this state. On the other side of the state, the French made their advances up lake Champlain, and in 1731, built their fort at Crown Point, and began a settlement on the east side of the lake. This part of America became of course, the seat of war, and was constantly exposed to the depredations of both nations, and their Indian allies; and it was dangerous and impracticable to settle the country.

THE wars having terminated in the reduction of Canada, the frontiers of New York, Massachusetts, and New Hampshire, were no longer exposed to the inroads of the French, or to the ravages and depredations of the Indians. The prospect was that the unsettled parts of the country would now afford quiet and peaceable abodes for a large body of farmers, who might with ease and safety advance their fortunes, and establish settlements and townships in every part of the frontiers. On such accounts the unsettled lands of the country acquired a new value, and were every where explored and sought after, by speculators and adventurers.

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* Laws of New York, Vol. I. p. 32. Edit. 1774.

AMONG these lands none appeared more inviting, than the tract of country which was situated between lake Champlain and Connecticut river. The soil was rich and fertile, favorable in many places to the production of grain, and in all to grazing and the raising of cattle. It was plentifully watered by streams and rivers, and abounded with necessary and useful timber. In such a soil and situation, the labor and hardships of a few years could scarcely fail of producing rich and valuable farms; with all the ease and independence, that is naturally annexed to industry in the rural economy and life.

ENCOURAGED by such prospects, many persons were disposed to attempt their fortunes, by settling or speculating in those lands; and as they were generally supposed to fall within the limits of New Hampshire, the applications were made to that government for the purchase, and for a title to the proposed new townships. The governor of New Hampshire wished to encourage these applications; and when a sufficient number of purchasers appeared to advance the purchase money, and pay the customary fees and donations, he was always ready to make the grants, and issue the charters. Nor could the purchasers be apprehensive that any controversies could arise respecting the validity of grants and charters, purporting to be made by the king of Great Britain, under the signature and seal of the governor of New Hampshire; as this was one of the royal provinces, and the lands were fairly purchased and paid for. They had further reasons for such expectations, for a royal decision had been made, which was understood to have decisively assigned these lands to that province.

THE provinces of Massachusetts and New Hampshire, had a long and tedious controversy, respecting their divisional line. This was not settled until March 5, 1740; when George the second, determined, "that the northern boundary of the province of Massachusetts be, a similar curve line, pursuing the course of Merrimack river, at three miles distance, on the north side thereof, beginning at the Atlantic ocean, and ending at a point due north of Patucket falls; and a straight line drawn from thence, due west, until it meets with his Majesty's other governments." This line was run in 1741, and has ever since been admitted as the boundary line, between Massachusetts and New Hampshire. By this decision, and the establishment of this line, the government of New Hampshire concluded, that their jurisdiction extended as far west, as Massachusetts had claimed and exercised; that is, within twenty miles of Hudson's river. The king of Great Britain, had repeatedly recommended to the assembly of New Hampshire, to make provision for the support of fort Dummer; as a fortress, which had now fallen within their jurisdiction, and was known to stand on the west side of Connecticut river. From these circumstances, it was not doubted either in Britain, or in America, but that the jurisdiction of New Hampshire extended to the west of Connecticut river; but how far to the west, had never been examined, or called into question. Benning Wentworth, was at that time governor of New Hampshire. In 1749, he made a grant of a township, six miles square. It was situated twenty miles east of Hudson's river, and six miles north of Massachusetts line. In allusion to his own name, he gave to this township, the name of Bennington. For the space of four or five years, he made several other grants, on the west side of Connecticut river. In 1754, hostilities commenced between the English and the French in America, which put a stop to the applications and grants, and issued in a war between the two crowns. In 1760, the operations of the war, in this part of America, were terminated, by the surrender of Montreal, and the entire conquest of Canada. During the progress of the war, the New England troops cut a road from Charlestown in New Hampshire, to Crown Point, and were frequently passing through these lands; and their fertility and value became generally known. Upon the cessation of hostilities, they were eagerly sought after, by adventurers and speculators. By the advice of his council, the governor of

New Hampshire directed a survey to be made of Connecticut river, for sixty miles; and three lines of townships, to be laid out, on each side. The application for lands constantly increased, and new surveys were made. So rapid was the progress, that during the year 1761, not less than sixty townships, of six miles square were granted on the west of Connecticut river. The whole number of grants, in one or two years more, amounted to one hundred and thirty eight; and their extent, was from Connecticut river, to what was esteemed twenty miles east of Hudson's river, so far as that extended to the northward; and after that as far west as the eastern shore of Lake Champlain. The cultivation of the country, and the number of the settlers, increased with a surprising rapidity; and Wentworth had an opportunity to accumulate a large fortune, by the fees and donations which attended the business, and by a reserve of five hundred acres, which he made in every township for himself.

The government of New York, wishing to have the profits, and intending to have the disposal of the lands, was alarmed at these proceedings. Charles the second, in 1664, and 1674, made an extraordinary grant to his brother, the duke of York; containing among other parts of America, "all the lands from the west side of Connecticut river, to the east side of Delaware bay." This grant was inconsistent with the charters, which had before been granted to Massachusetts, and Connecticut; and neither of them, admitted it to have any effect, with regard to the lands which they had settled, or claimed to the west of Connecticut river: And there were no principles, which apply to human affairs, by which this grant would bear a strict examination. If it be examined geographically, the bounds of it were contradictory, indefinite, and impossible. If it be subjected to a legal construction, the whole of it, upon James' accession to the throne, merged in the crown; and at his abdication, passed to William his successor. If it be considered as an instrument of government, it did not establish any colony or province of New York, or any power to govern any such province. Upon this inadequate and blundering transaction of Charles the second, New York founded her claim and hope, of obtaining the lands, which New Hampshire was granting. To check the proceedings of New Hampshire, and to intimidate the settlers, Mr. Colden, lieutenant governor of New York, issued a proclamation,* reciting the grants to the duke of York, asserting their validity, claiming the jurisdiction as far east as Connecticut river, and commanding the sheriff of the county of Albany, to make a return of the names of all persons, who under the color of the New Hampshire grants, had taken possession of any lands to the west of the river. To prevent the effects that might arise from this proclamation, the governor of New Hampshire put forth another proclamation,† declaring the grant to the duke of York to be obsolete, that New Hampshire extended as far to the west, as Massachusetts and Connecticut, that the grants made by New

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* 1763. Dec. 28.
† 1764. March 13.

See Hutchinson's Correspondence II. 143.

Hampshire would be confirmed, if the jurisdiction should be altered; the settlers were exhorted, not to be intimidated, but to be industrious and diligent in cultivating their lands; and the civil officers were required, to exercise jurisdiction as far westward, as grants had been made, and to punish all disturbers of the peace. This proclamation served to quiet the minds of the settlers: And after such assurances from a royal governor, they had no idea that a contest between two provinces, respecting the extent of their jurisdiction, would ever affect the property of such individuals, as had fairly purchased their lands, under a charter from a royal government.

New York had as yet founded her claim to the lands, upon the grant to the duke of York; but that sagacious government did not choose to rely upon so precarious a ground. Applications were made to the crown representing that it would be greatly for the convenience and advantage of the people, who were settled west of Connecticut river, to be annexed to New York; that the course of business must always lie that way, and that the people were desirous to be included in that government.* The result of these applications, was a decision in favor of New York: On July 20th, 1764, his majesty ordered and declared, " the western banks of the river Connecticut, from where it enters the province of the Massachusetts bay, as far north as the forty fifth degree of northern latitude, *to be* the boundary line, between the said two provinces of New Hampshire and New York." This determination of the king, did not appear to be founded on any former grant to the duke of York; but was a decision, *de novo*; as the occasion, and convenience of the people, were supposed to require.

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* The inhabitants complained that a petition was presented to the king, signed with their names, but unknown to them. In their firſt petition to Congress, Jan. 7, 1776, they give this account of the petition, " We have often heard, and verily believe [it was] in your petitioners' names."

In this decision of the boundary line, there was nothing alarming to the people who had settled on the new lands. They had no idea of disputing the jurisdiction, or opposing the government of New York. They concluded the title to their lands, would not be in any way affected, by the decision, but rather confirmed: And that the determination was expressed in language *(to be)* designed to relate to the *future*, and not to any past transactions, or time. Had the government of New York assigned the same construction to the royal decision, no controversy would ever have arisen; the settlers would have remained quiet and easy, under their jurisdiction. But a very different construction was put upon the royal determination, in New York. The government of that province construed it, as a declaration not only of what was to be, for the time to come, but of what was, and always *had been*, the eastern limit of New York: And of consequence, that the grants which had been made by the governor of New Hampshire, were grants of what had always belonged to New York.

In conformity to this explanation, the grants from New Hampshire, were considered by the government of New York, as illegal, and of no authority. The new district was divided into four counties: The south western parts, were annexed to the county of Albany; the north west, were formed into a county by the name of Charlotte. On the east side of the green mountains, two counties were formed; Cumberland to the south; and Gloucester, to the north; and in these, courts were regularly held. The settlers were required to surrender the charters, which they had received from New Hampshire, and to take out new grants from New York, which were attended with great fees, and expense. Some of the towns complied with this requisition, and bought their lands the second time, but the greater part refused it: And where it was not complied with, on the part of the grantees, new grants were made of their lands, to such petitioners, as would advance the fees which were demanded. Actions of ejectment were commenced in the courts at Albany, against several of the ancient settlers; and the decisions of the courts, were always in favor of the New York proceedings, and against all titles and grants, derived from the governor of New Hampshire. The case of the settlers did not admit of any relief, from the customary forms of law; but only from the equity, the wisdom, and the moderation, of a provincial government: But moderation, and tenderness of the rights of individuals, unable to defend their claims, was not to be expected from adventurers, and speculators, who had an opportunity to acquire what lands they pleased, under the customary forms of law, and government. The governor, and some of the leading men in New York, availed themselves of this state of things; and derived much more enormous profits, by making a second grant of the lands, than the governor of New Hampshire had acquired, by making the first.*

Although it proved an easy thing for the claimants under New York, to recover judgment against the settlers, it was not found so easy a matter, to carry those judgments into execution. When the executive officers came to eject the inhabitants, from their houses and lands, they generally met with an avowed opposition, from the possessors; and were not suffered, to proceed to the execution of their offices. The minds of the settlers, instead of being depressed into submission, seemed to derive new powers, from oppression: And the people soon began to associate, to defend one another, in their opposition to the courts, and officers of New York.

When it was found, that there was an avowed opposition and combination, against the proceedings of the courts at Albany, an attempt was made by the government of New York, to engage the militia to assist and support the sheriff. The people who were thus forced to march, in support of the sheriff, had no affection for the business: They were rather in sentiment, with the settlers; and had no disposition to hazard their lives, in support of a quarrel, which they plainly saw, was designed only for the emolument of a few speculators; whose claims and conduct, did not appear to them, to be so justifiable as those of the people, against whom they were compelled to take up arms. The sheriff soon found that very little dependence could be placed on the posse, which attended him: Upon the appearance of an armed opposition from the settlers, the New York militia could not be kept together, and the sheriff found his power, was no more availing, when he was attended with the posse comitatus, than when he was without them.

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* The fees to the governor of New Hampshire, for granting a township, were about one hundred dollars; under the government of New York, they generally amounted to two thousand or two thousand six hundred dollars.

This circumstance afforded much encouragement to the inhabitants, and they began to believe, they should find that support from the general sentiments of the people in the adjacent states, which they could not find from law. Their opposition became more general and daring; and some of the officers of New York became sufferers, for attempting to carry into execution the judgments of their courts. In this course, the difficulties and dangers were constantly increasing, until several on both sides were much abused and wounded; and no officer from Newyork, dared to attempt to dispossess any of the settlers, of their farms. The actions of ejectment, however, still went on, in the courts at Albany; but no attention was paid to them, nor was any defence made by the settlers; but they were never suffered to be carried into execution: And when all other methods had failed, the most active of the leaders, were indicted as rioters.

The main body of the settlers at that time, consisted of a brave, hardy, intrepid, but uncultivated set of men. Without many of the advantages of education, without any other property than what hard labor and hard living had procured, destitute of the conveniences and elegances of life, and having nothing to soften or refine their manners; roughness, excess, and violence, would naturally mark their proceedings. To deny such people justice, was to prejudice and arm them against it, to confirm all their suspicions and prejudices against their rulers, and to give them an excuse and plea to proceed to outrage and violence. When the government of New York, gave to their proceedings, the names of mobs and riots, abuse and outrage to their officers, it is probable the expressions conveyed pretty just ideas, of the appearance of their conduct, and opposition to the laws. But when they called their opposition, felony, treason, and rebellion against lawful authority, the people of the adjacent provinces, seem to have believed, that the government of New York was much more blamable, in making and executing such laws, as called their titles to their lands in question, than the settlers were, in acting in open and avowed opposition to them.

In this scene of violence, and opposition to the proceedings of New-York, Ethan Allen placed himself at the head of the opposition. Bold, enterprising, ambitious, with great confidence in his own abilities, he undertook to direct the proceedings of the inhabitants. He wrote and dispersed several pamphlets to display the injustice, and designs, of the New York proceedings: And so oppressive were those measures, that although Allen was a very indifferent writer, his pamphlets were much read, and regarded; and had a great influence upon the minds, and conduct of the people. The uncultivated roughness of his own temper and manners, seems to have assisted him, in giving a just description of the views and proceedings of speculating land jobbers: And where all was a scene of violence and abuse, such a method of writing, did not greatly differ from the feelings of the settlers, or from the style of the pamphlets that came from New York. But though he wrote with asperity, a degree of generosity attended his conduct; and he carefully avoided bloodshed, and protested against every thing that had the appearance of meanness, injustice, cruelty, or abuse, to those who fell into his power. Next to him, Seth Warner seems to have been the most distinguished, in those times. Warner was cool, firm, steady, resolute, and fully determined that the laws of New York respecting the settlers, never should be carried into execution. When an officer came to take him as a rioter, he considered it as an affair of open hostility; defended himself, attacked, wounded, and disarmed the officer; but with the spirit of a soldier, spared his life.

So notorious and alarming had this controversy become, that the settlers sent three of their most active members, as agents to Great Britain, to represent their situation, and implore the protection of the crown.* An enquiry was made into the nature and ground of their complaint; and the event proved favorable to their wishes. In 1767, the king interposed to stop the proceedings of the governor of New York. Having recited a report from the lords of the trade and plantation affairs, he gave this royal order to the governor:† "His Majesty doth hereby strictly charge, require, and command, that the governor or commander in chief of his Majesty's province of New York, for the time being, do not upon pain of his Majesty's highest displeasure, presume to make any grant whatsoever of any part of the lands described in the said report, until his Majesty's further pleasure shall be known concerning the same." The settlers were much encouraged by this royal mandate, and concluded it was designed, and would be effectual, to prevent any further proceedings in regranting the lands. But they were soon full of complaints, that no regard was paid to it, that the business was pursued with the same avidity as before, and that the governors of New York, while they were calling upon them to obey the royal orders and decisions, paid no regard to those orders themselves. It seems in fact to have been the case, that the business of making new grants of the lands, was too lucrative a job, to be easily or soon given up; especially, when the crown could neither fully comprehend, regulate, or controul it.

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* Messrs. Samuel Robinſon, James Brakenridge, and Mr. —— Hawley.

In 1772, Mr. Tryon, governor of New York, made an attempt to conciliate the minds of the inhabitants, to that government. With this view* he wrote to the Rev. Mr. Dewey, and the inhabitants of Bennington, and the adjacent country, inviting them to lay before him the causes of their illegal proceedings; assuring them, that both he and the council were disposed to afford them such relief, as the situation and circumstances of the people would justify; and engaging full security and protection, to any persons they might choose to send to New York on the business, except Allen, Warner, and three others. Letters were written on this occasion to governor Tryon by the inhabitants, and by the excepted persons, in explanation of their conduct and principles; and Capt. Stephen Fay, and Mr. Jonas Fay, were chosen to wait upon the governor at New York, to negotiate the business. Upon their return, they reported that the governor received them with expressions of kindness, and laid the state of their grievances before the council; who made report, that they were desirous that his excellency should afford the inhabitants of those townships, all the relief in his power, by suspending until his Majesty's pleasure should be known, all prosecutions in behalf of the crown, on account of crimes with which they stood charged; and should recommend it to the owners of the contested lands, under grants from New York to put a stop, during the same period, to all civil suits concerning those lands.* But no measures or attempts of this kind, could avail, or be attended with any permanently good effects, while the original cause of contention remained. The whole property of the settlers, was the matter in contest. Their attempts to preserve this, appeared to them, not only justifiable, but necessary, and highly meritorious; as being designed to preserve all, that man in any case, ever could have to defend. To the government of New York, their conduct appeared in a very different light, as acts of treason, and rebellion, perpetrated by lawless and violent men, in open and avowed opposition to the laws of their king and country.

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† July 24.
* May 19.

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* Allen's Narrative, p. 49—68.

WHILE these different views of the controversy remained, the measures of both sides, instead of operating to remove the causes of contest, tended to increase the animosity, and to bring on a state of more open hostility. So high had the spirit of opposition and resentment arisen, in the course of these proceedings, that in 1774,† the government of New York passed an act, the most minatory and despotic, of any thing which had ever appeared, in the British colonies. Among other extraordinary exertions of vindictive power, it contained this singular clause: "And in case the said offenders, shall not respectively surrender themselves pursuant to such orders of his excellency the governor, or of the governor and commander in chief for the time being, to be made in council as aforesaid; he or they so neglecting or refusing to surrender himself, or themselves as aforesaid, [i. e. within the space of seventy days next after the first publication of the order] shall, from the day to be appointed for his or their surrendery as aforesaid, be adjudged, deemed, and (if indicted for a capital offence hereafter to be perpetrated) to be convicted and attainted of felony, and shall suffer death, as in cases of persons convicted and attainted of felony by verdict and judgment, without benefit of clergy; and that it shall and may be lawful to, and for the supreme court of judicature of this colony, or the courts of oyer and terminer, or general gaol delivery, for the respective counties aforesaid, to award execution against such offender or offenders, so indicted for a capital offence, perpetrated after the passing of this act, in such manner as if he or they had been convicted or attainted in the supreme courts of judicature, or before such courts of oyer and terminer, or general gaol delivery respeetively." All crimes committed on the grants, were by this act subject to be tried in the county, and by the courts at Albany. At the same time, a proclamation was issued by the governor of New York, offering a reward of fifty pounds a head, for apprehending and securing Ethan Allen, Seth Warner, and six others, of the most obnoxious of the settlers.

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† March 9. Allen's Narrative, p. 23—36.

WITH this act, all prospect of peace, or submission to the government of New York, ended. At a general meeting of the committees for the townships, on the west side of the green mountains, it was resolved:* "That for the future, every necessary preparation be made, and that our inhabitants hold themselves in readiness, at a minutes warning, to aid and defend such friends of ours, who, for their merit to the great and general cause, are falsely denominated rioters; but that we will not act any thing, more or less, but on the defensive, and always encourage due execution of law, in civil cases, and also in criminal prosecutions, that are so indeed; and that we will assist, to the utmost of our power, the officers appointed for that purpose." The proscribed persons carried the matter still further, and in an address to the people of the county of Albany, and others who were situated contiguous to the New Hampshire grants, made this public declaration:* "We will *kill* and *destroy* any person or persons whomsoever, that shall *presume* to be accessary, aiding or assisting in taking any of us."

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* April 14, 1774. Page 22.

To avoid the government of New York, a plan was contrived about this time, by some of the inhabitants and Philip Skeen, to have the New Hampshire grants formed into a royal government, as a new province. Skeen, was a colonel in one of the king's regiments, and had large possessions on lake Champlain. To effect his designs, he went to the court of Great Britain, and seems to have met with some success. On March 16th, 1775, he wrote to one of the agents, that he was appointed to the government of Crown Point, and Ticonderoga; and should soon call upon all the Hampshire inhabitants, for an address, to shew their loyalty to the king; and he had no doubt, but they would shew themselves to be as loyal subjects, as he had represented them.†

An event took place in the spring of the year 1775, which served still further to exasperate all parties. In consequence of the proceedings of the British court, the American colonies had met in Congress, Sept. 5, 1774; and the Congress had advised the people to maintain their liberties, in such ways as should be found necessary. The courts of justice, which were held under the royal authority, in all the adjacent provinces, were either shut up, or adjourned without doing any business. The court in Cumberland county, was to have been holden at Westminster, on March 13th, 1775. Some of the inhabitants of that, and the adjacent towns, took possession of the court house at an early hour, to prevent the officers of the court from entering. Being refused admittance at the customary time of opening the court, the judges returned to their quarters: About eleven o'clock at night, the sheriff with the other officers of the court, attended by an armed force, repaired to the court house. Being refused admittance, some of the party fired into the house, killed one man, and wounded several. The people were inflamed to the highest degree, by this rash proceeding. The next day they assembled in large numbers, from all quarters: A coroner attended, and a jury of inquest brought in a verdict, that the man was murdered by the court party. Some of the officers were made prisoners, and carried to the gaol at Northampton, in Massachusetts: But upon their application to the chief Justice of New York, they were released from their confinement, and returned home.* Highly irritated by this event, the committees of a large body of the people met at Westminster, April

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* April 16. Page 45.

† Skeen's letter to Capt. Hawley, dated London, March 16, 1775.

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* Narrative of the Maſſacre at Weſtminſter Court House, by Reuben Jones.

11th, 1775: Among other measures, they came to the following resolve: "That it is the duty of the inhabitants, wholly to renounce and resist the administration of the government of New York, until such time as the lives and property of the inhabitants may be secured by it: Or until such time, as they can have opportunity to lay their grievances before his most gracious Majesty in council, together with a proper remonstrance against the unjustifiable conduct of that government, with an humble petition to be taken out of so oppressive a jurisdiction, and either annexed to some other government, or erected and incorporated into a new one, as may appear best for the inhabitants."*

BOTH parties were in this state of resentment and exasperation, when the American war broke out at Lexington, April 19th, 1775. By presenting new scenes, and greater objects, this event seems to have prevented either party from proceeding to hostilities; and turned their attention from their particular contest, to the general cause of America. The attention of all orders of men was immediately engaged, local and provincial contests were at once swallowed up, by the novelty, the grandeur, and the importance of the contest that then opened between Britain and America.

WAR, which the people of the colonies supposed would have ceased, and never had any further origin or progress among them, had broke out in a new form, and with a most awful appearance. In their former calamities, war had always borne the appearance of a contest between the crowns of England and France; and was consistent with the acknowledged duties of allegiance, civil and moral law. Now it was clothed in all the political horrors, that could be put upon slaughter and destruction. On the part of Great Britain, the Americans said it was a long concerted plan of systematic oppression and tyranny, in a British king and parliament. On the part of the Americans, the British minister and king declared it was a most insolent scheme of unprovoked treason and rebellion, which must be crushed and punished.

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* Proceedings of the committees met at Westminster, April 11, 1775.

In this state of irritation and mutual accusation, the sword was drawn, and from all the maxims and measures of monarchy, the Americans knew it was necessary for them to throw away the scabbard. Their business now was not to contend about boundaries, titles, grants, or the decisions of the British courts or parliaments; but to prepare for a contest, the event of which would determine not barely an abstract question about sovereignty, but every thing that concerned their rights, properties, and lives. And this contest, new and unexpected, of a duration and issue totally unknown and incalculable, was to be carried on by a people divided into several provinces, disunited in their interests, manners, forms of religion and government, without a ship, without a magazine, and without a regiment; against one of the most wealthy, powerful, and warlike nations of Europe: A nation whom the Americans loved and revered, with whom they had been connected by the ties of blood, religion, affection, language, commerce, interest, and all the considerations which ever can bind one nation to another. Every other object seemed to disappear, and the new and fearful scene of war with Britain became the object of universal attention and exertion. Cool calculations on the most probable issue and effect, would have carried the feelings of death into the hearts and proceedings of the Americans; but necessity and the genius of liberty, urged and drove them on.

CHAPTER II.

AMERICAN WAR. *Origin and progress of the war in the year 1775. The colonies in danger from Canada. Reduction of Ticonderoga and Crown Point, by colonel Allen. Attempt of general Carleton to engage the Canadians and Indians. Invasion of Canada by general Montgomery. Allen taken prisoner. Surrender of the forts at Chambly and St. Johns. Montreal taken. General Prescot and the British vessels captured. Escape of general Carleton. Colonel Arnold appears before Quebec. Montgomery marches to that city. Attempt and defeat in storming Quebec. Arnold retires and blockades the place. Reflections on the conduct and character of general Montgomery. On Arnold's expedition. On the American character and campaign.*

1775. THE dissentions which had taken place between Great Britain and her colonies, commenced soon after the peace of 1763. They originated in the claims and acts of the British parliament and king to tax the colonies, and to make laws to bind them in all cases whatsoever. No greater power ever could be claimed by the most absolute despotism. If the claim, in its own nature, was unreasonable and odious, the exercise of it could not but occasion suspicion, jealousy, and opposition. The contentions, which the British ministry introduced in this way, had for ten years been gathering strength and maturity, from various circumstances of aggression and violence; till they arrived to a degree, in which all confidence between the two countries was nearly lost. Neither party intended to recede, but they did not seem to believe that their differences would produce a civil war; but were flattering themselves that ways and means would be found to bring their opponents to submission. The events of April the 19th, 1775, put an end to these hopes and expectations; and spread terror and consternation through the whole American continent. The American colonies at that time neither contemplated nor desired an independence, upon what was then called the mother country; but it was easy to see that war, and not reconciliation, was to be the business of that year; and that matters had already gone so far that there could be no safety for the colonies, but by making a vigorous and effectual defence against the attacks and arms of Great Britain.

The year before, the British parliament had passed a bill "for making more effectual provision for the government of the province of Quebec in North America." The objects of this bill were to extend the limits of that province far beyond those which had been assigned to it, by the king's proclamation in 1763. A legislative council was formed, which was to have the whole direction of the affairs of the province, taxation only excepted. The council was to be appointed by the crown, the members removable at pleasure, and the Canadian Roman Catholics to have a place in it. The French laws were to be established, and a trial without a jury in civil causes; but after the English manner, by jury, in criminal ones. To the Roman Catholic clergy, regulars excepted, the peaceable enjoyment of their own estates, and of tythes from those of their own persuasion, were secured.* The complexion and spirit of this bill was so different from the laws and genius of the British, or of any free government, that it was not in the power of the Americans to doubt but that it was designed to enable the king's governor in Canada to avail himself of the influence of the French noblesse and priests, to engage the whole body of the Roman Catholics in Canada, to assist in subjugating the English provinces. As soon therefore as hostilities broke out, it became an object of the highest importance to the colonies to guard against any such attempts from the governor of Canada.

THE only effectual method by which this could be done, was to secure the forts at Tyconderoga and Crown Point. It was yet fresh in the memory of the people, what they had suffered when these posts were in the hands of the French; the prospect now was that it would be equally fatal to their peace and safety, and more dangerous to their liberty to have them remain in the hands of the British. The necessity of their being secured was so apparent, that it engaged the attention of several adventurers in Connecticut and Massachusetts, without acting in concert, or having any previous knowledge of the designs of each other. The first steps seem to have been taken by some gentlemen in Connecticut; and Messrs. Deane, Wooster,

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* Smollet's Hist. England, Vol. 5, p. 150.

Parsons, and others engaged in the affair. The success depended on the secresy with which the affair could be managed. Their first object was to obtain a sum of money to bear the necessary expences. They procured this to the amount of about eighteen hundred dollars, from the general assembly of Connecticut, by way of loan. Several of the militia captains pushed forward to Salisbury, the northwestern town in that colony; and after a little consultation concluded not to spend any time in raising men, but to procure a quantity of powder and ball, and set off immediately for Bennington, and engage Ethan Allen in the business. With his usual spirit of activity and enterprise, Allen undertook the management of the scheme; and set off to the northward, to raise and collect all the men that he could find. The Connecticut gentlemen having procured a small quantity of provisions, went on to Castleton; and were there joined by Allen, with the men that he had raised from the new settlements. The whole number that were assembled amounted to two hundred and seventy, of which two hundred and thirty were raised on the New Hampshire grants, distinguished at that time by the name of *Green Mountain Boys*; so called, from the green mountains, among which they resided. Sentries were immediately placed on all the roads, and the necessary measures taken to procure intelligence of the state of the works and garrison at Ticonderoga.

While Allen and his associates were collecting at Castleton, colonel Arnold arrived, attended only by a servant. This officer belonged to New Haven in Connecticut. As soon as the news arrived at that place that hostilities had commenced at Lexington, Arnold, then a captain, set out at the head of a volunteer company, and marched with the greatest expedition to Cambridge. The day after his arrival, he attended the Massachusetts committee of safety, and reported to them that the fort at Ticonderoga was in a ruinous condition; that it was garrisoned by about forty men, and contained a large quantity of artillery and military stores; and might easily be captured. The committee wished to avail themselves of his information and activity; and on the third of May, appointed him a colonel, and gave him directions to enlist four hundred men, and march for the reduction of Ticonderoga. Under these orders, and with this design, he joined the men that were assembling at Castleton; but was unknown to any of them but a Mr. Blagden, one of the Connecticut officers. His commission being examined, it was agreed in a council, that he should be admitted to join and act with them; but that Allen should also have the commission of a colonel, and have the command; and that Arnold should be considered as his assistant.

To procure intelligence, captain Noah Phelps, one of the gentlemen from Connecticut, disguised himself in the habit of one of the poor settlers, and went into the fort, pretending he wanted to be shaved, and enquired for a barber. Affecting an awkward appearance, and asking many simple questions, he passed unsuspected, and had an opportunity to observe the state of every thing within the walls. Returning to his party, he gave them the necessary information, and the same night they began their march to the fort.

WITH so much expedition and secresy had the enterprise been conducted, that colonel Allen arrived at Orwell, opposite to Ticonderoga, on the ninth of May at night, with his two hundred and thirty green mountain boys, without any intelligence or apprehension on the part of the garrison. It was with difficulty that boats could be procured to pass the lake; a few however being collected, Allen and Arnold passed over, with eighty three men, and landed near the works. Arnold now wished to assume the command, to lead on the men, and swore that he would go in himself the first. Allen swore that he should not, but that he himself would be the first man that should enter. The dispute beginning to run high, some of the gentlemen that were present interposed, and it was agreed that both should go in together, Allen on the right hand, and Arnold on the left. On the tenth of May, in the gray of the morning, they both entered the port leading to the fort, followed by their men. The sentry snapped his fusee at Allen, and retreated through the covered way. The Americans followed the sentry, and immediately drew up on the parade. Captain De la Place commanded, but he was so little apprehensive of any danger or hostility, that he was surprised in his bed. As soon as he appeared, he was ordered to surrender the fort. Upon what authority do you require it, said De la Place. "I demand it, said Allen, in the name of the great Jehovah, and the Continental

Congress." Surrounded by the Americans who were already in possession of the works, it was not in the power of the British captain to make any opposition, and he surrendered his garrison prisoners of war, without knowing by what authority Allen was acting, or that hostilities had commenced between Britain and the colonies. After Allen had landed with his party, the boats were sent back for colonel Seth Warner with the remainder of the men, who had been left under his command. Warner did not arrive till after the place had surrendered, but he took the command of a party who set off for Crown Point. At that place there were only a sergeant and twelve men to perform garrison duty. They surrendered upon the first summons, and Warner took possession of Crown Point, on the same day that Tyconderoga was given up. Another party surprised Skeensborough, made a prisoner of major Skeen, the son, took possession of a strong stone house which he had built, secured his dependents and domestics, and made themselves masters of that important harbor.

By these enterprises the Americans had captured a British captain, lieutenant, and forty four privates. In the forts they found above two hundred pieces of cannon, some mortars, howitzers, and large quantities of ammunition and military stores; and a warehouse full of materials for carrying on the business of building boats. Having succeeded in their attempts against Tyconderoga and Crown Point, it was still necessary in order to secure the command of lake Champlain, to get possession of an armed sloop which lay at St. Johns, at the north end of the lake. To effect this purpose, it was determined to man and arm a schooner, which lay at South Bay. Arnold had the command of the schooner, and Allen took the command of a number of batteaux, and both sailed for St. Johns. The wind being fresh at the south, Arnold soon passed the lake, surprised and captured the armed sloop in the harbor of St. Johns: In about an hour after he had taken her, the wind suddenly shifted to the north, and Arnold made sail with his prize, and met Allen with his batteaux at some distance from St. Johns.*

SURPRISED that the Americans should thus dare to defend and secure their country, general Carleton, the governor of Canada, endeavored to avail himself of the powers which had been assigned to him by the Quebec bill. He had not enough British troops in Canada, to venture to draw any of them out of their garrisons; but he expected to be able to engage a large body of Canadians and Indians in the British service. Twenty thousand stand of arms had been sent to him by the British minister, for that purpose; and that he might be able to compel the Canadians to enter into the war, martial law was proclaimed in the province. Contrary to all expectation, the Canadians, almost to a man, refused to interfere in the business of war. Having found the benefits of the English forms of government, they were very generally opposed to the alterations proposed by the Quebec bill; and none of the Inhabitants seemed to view it with pleasure, but the noblesse, and some of the priests; and scarcely any of them were willing to bear arms in a quarrel between the British government and the English colonies. The language of the Canadians was, that they were under the British government, and could not pretend to decide on the claims or complaints of any part of the empire; that they would show themselves to be dutiful and quiet subjects, by an obedience to the government under which they were placed; but that it was totally inconsistent with their state and condition to intermeddle in the dissentions that had taken place between the British government, and its ancient subjects. In answer to the proclamation of the governor for assembling the militia, and the execution of martial law, they replied that they were ready to defend the province, but absolutely refused to march out of it, or to commence hostilities against their neighbors.

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* Gordon's Hist. American War, Vol. I. p. 335.

THE governor of Canada next attempted to avail himself of the pretence, and abuse of religion; and to effect the purposes of war and slaughter, by the influence of the priests. With this view he applied to the bishop of Quebec, and urged him to make use of his spiritual influence, and issue out an episcopal mandate for the purpose, to be read by the parish priests after divine service. The bishop would not prostitute his sacerdotal character to the sanguinary policy of the governor; but excused himself on account of its not being consistent with the canons of the Roman Catholic church.* The only persons who appeared to interest themselves in behalf of the governor's measures, was the French noblesse. They only had fully applauded the Quebec bill, and appeared willing to engage in a war with the English colonies; but happily, they were too inconsiderable in their numbers and consequence, to have much authority or influence among the people.

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* Smollet's Hist. England, Vol. V. p. 222.

HAVING failed to effect his purposes either by military law, or the popish religion, in conformity to the ministerial plan, the governor of Canada next attempted what could be done by bringing the Indian rage and barbarity into the contest. Colonel Johnson, a son of the late sir William Johnson, had several conferences with the Indians upon this subject; and in a grand assembly of these savages at Montreal, he went so far as to deliver the war belt to several of their tribes. The Indians returned much the same answer to the proposals, that the Canadians had done; and notwithstanding their thirst for blood and pillage, refused to be concerned in such a quarrel. To take up the hatchet, to carry destruction and slaughter among a people from whom they had received no injury, and with whose concerns and quarrels they had no connection, appeared too immoral and diabolical to be perpetrated by these bloody barbarians.* Such an improvement on inhumanity, was reserved for the deliberate counsel and contrivance of a British cabinet, in the year 1774.

THE American Congress had intelligence of these attempts of General Carleton to engage the Canadians and Indians to carry war into their frontiers, and that both had refused to be concerned in the quarrel. It was easy for them to foresee that it would not be in the power of the Canadians to preserve a neutrality any longer, than till governor Carleton should receive an addition to the British forces, sufficient to compel them to obedience; and that now was the favorable time to secure their own interest, by sending a body of American troops to penetrate into that province; that there was an encouraging prospect that the Canadians would join them in their operations against the British troops and garrisons; and that it was not improbable, that in the event, the destruction of the British power in Canada might be effected, and an union brought about between Canada and the other provinces in the grand pursuit and object.

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* Appendix. No. I.

For this expedition, it was proposed to raise two thousand men. Two regiments of militia were to be raised in New York, and the rest to be formed out of the New England colonies; the command to be assigned to generals Schuyler and Montgomery. A number of batteaux and flat-bottomed boats were built at Tyconderoga and Crown Point, to convey the forces along lake Champlain to the river Sorell; and much pains was taken to raise the troops for this enterprise. Montgomery set out for Crown Point, August the twenty first; and soon received intelligence that general Carleton was preparing to obstruct his designs: That a schooner of considerable force, and other armed vessels lay at St. Johns, and that the British troops in Canada were preparing to enter the lake, and would probably soon have the command of it.

To prevent every thing of this kind, Montgomery with the forces that had arrived, on September the fourth, made a movement down the lake. Schuyler, though in an ill state of health, pushed forward from Albany, and joined Montgomery at the Isle la Motte; and they both moved on to the Isle aux Noix, and took proper measures to prevent the passage of the British vessels into the lake. Here they published a declaration addressed to the Canadians, assuring them that the American army was not designed against their country, their liberties, religion, or property; but was directed only against the British garrisons and troops; and it contained an animating invitation to the Canadians, to join with them in asserting their liberty and freedom. These Proclamations were sent into all the adjacent parts of the country by colonel Allen and major Brown, and had a very considerable effect on the feelings of the Canadians; for though they could not comprehend what was meant by the rights and liberties of men, they concluded it must mean something better than any thing which they had ever enjoyed.

On September the sixth, the American army did not exceed one thousand men, but proceeded towards St. Johns without meeting with any obstruction. The fire from the fort, and the strong appearances of force and resistance which they observed, occasioned their landing at the distance of a mile and a half from the fort; and on ground covered with thick woods, and intersected with creeks and waters. In advancing to reconnoitre the works, their left was attacked by a party of Indians, who killed three, and wounded eight of the party; but the Indians were soon repulsed with the loss of five killed, and four badly wounded. In this situation, finding that the fort was completely fortified and garrisoned, and could not be taken without artillery and a regular siege, it was concluded the next morning; to return to the Isle aux Noix, and defer the operations till the arrival of the artillery and reinforcements which were daily expected.

SCHUYLER returned to Albany to conclude a treaty with the Indians, which had for some time been negotiating, leaving the command to Montgomery. On September the seventeenth, having received an addition of men and artillery, that general poceeded again to St. Johns, and began the siege. The garrison consisted of the greater part of two British regiments, and contained nearly all the regular troops in Canada, and was well supplied with stores, ammunition, and artillery. The first measure of Montgomery was an attempt to detach the Indians who had joined gen. Carleton, in which he met with good success. Provincial parties were dispersed over the adjacent country, and every where met with a favorable reception from the Canadians. It no longer remained doubtful whether they chose rather to join with the Americans, than to arm against them; considerable numbers joined Montgomery's troops, and many of the French supplied them with provisions, military stores, and other kinds of necessaries for carrying on the siege. The progress of Montgomery however was much retarded by a deficiency in the essential articles of powder and ball, and by the undisciplined and disorderly behaviour of his men.

While Montgomery was thus employed at St. Johns, colonel Ethan Allen made a rash and romantic attempt upon Montreal. He had been sent by the general with a guard of eighty men, on a tour into the neighbouring villages. On his return he was met by a major Brown who had been on the same business. It was agreed between them to make a descent upon the island of Montreal. Allen was to cross the river, and land with his party a little north of the city; while Brown was to pass over a little to the south, with near two hundred men. Allen crossed the river in the night as had been proposed, but by some means Brown and his party failed. Allen soon found himself in a critical situation. His party was altogether insufficient to attempt any thing against Montreal, and the enterprise had been undertaken without the knowledge of Montgomery or any expectation of assistance from him. Instead of returning, Allen with great rashness, concluded to maintain his ground. General Carleton soon received intelligence of Allen's situation, and the smallness of his numbers; and marched out against him with about forty regulars, and a considerable number of English, Canadians and Indians; amounting in the whole, to some hundreds. Allen attempted to defend himself, but it was to no purpose. Being deserted by several of the Canadians, and having fifteen of his men killed, he was taken prisoner, on September the twenty fifth, with thirty eight of his men, seven of whom were wounded.* On this occasion, the humanity and magnanimity of general Carleton, seemed to have deserted him. By his orders, Allen and the other prisoners were immediately loaded with irons, and in that condition sent on board a man of war; and carried to England in the most uncomfortable situation in which they could be placed.

In the mean time, Montgomery was pushing the siege of St. Johns, as fast as his embarrassed circumstances would permit; and derived much assistance, from the Canadians who had joined his army. On October the eighteenth, these Canadians engaged in a plan to reduce Chambly, a fort which lay further down the river Sorel than that at St. Johns. They carried their artillery in batteaux, and passed the works at St. Johns without sustaining any loss. The fort at Chambly was garrisoned by only a part of the seventh British regiment, and was soon forced to surrender to majors Brown and Livingston. The garrison, amounting to about one hundred men, became prisoners of war, and were allowed their baggage; their women and children were allowed to go with them, and take their effects; and the baggage claimed by the one and the other was astonishingly great. By this capture, the Americans obtained one hundred and twenty barrels of gun powder, and a considerable quantity of other stores. What was most of all acceptable, and till that time had been unknown in America, was the colors of the seventh regiment; being captured, these were transmitted to the American Congress, the first trophy of the kind which that body had ever received.

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* Gordon. Vol. I. p. 426.

The besiegers having now received a supply of powder, made their approaches to the fort at St. Johns with great vigor; and the garrison, consisting of between six and seven hundred men, of whom five hundred were regulars, made a resolute defence, in hopes of being relieved by general Carleton. That brave officer had been indefatigable in his endeavors for their relief, but such was the disaffection of the Canadians to the British cause, that with his utmost endeavors, he could not collect more than one thousand men. A colonel Maclean had also been very active in the cause of the British government, and had taken great pains to raise a regiment of the Scotch emigrants, who had not yet obtained settlements in the province. Of these, with some Canadians and others, the colonel had collected a body amounting to a few hundred men; and had taken post near the mouth of the river Sorel. General Carleton wished to join Maclean with the troops he had collected at Montreal, and hoped that by such a junction he should have a force sufficient to raise the siege of St. Johns. In pursuance of this design, he got together a body of eight hundred men, consisting of the militia of Montreal, some Canadians, a few regulars, and some Indians; and on October the thirty first, embarked them from Montreal, to cross the river St. Lawrence and land at Longuiel. Colonel Warner, with three hundred of his green mountain boys, watched their motions, and prepared for their approach. They were permitted to approach very near to the south shore, when Warner and his men poured in a very hot and destructive fire; which was rendered more fatal by a four pounder, which was well served, and threw grape shot with great effect into the boats that were most crowded with troops. So heavy and well directed a fire threw the enemy into great confusion, and they retired with much precipitation and disorder.* No sooner had the Canadians under Maclean heard of Carleton's defeat, than they abandoned him to a man; and he was glad to make a precipitate retreat with his Scotch emigrants to Quebec.

THESE events decided the fate of St. Johns. The garrison had made a resolute defence, but the defeat of Carleton and the retreat of Maclean had left them without any hope of relief, or any prospect of being able to defend the place much longer. Major Preston, their commander, could no longer refuse the capitulation which was offered, and agreed to surrender his garrison prisoners of war; and on November the third, they marched out of the works, and laid down their arms. A very considerable quantity of cannon and military stores were found in the place. The prisoners amounted to five hundred regulars, and more than one hundred Canadian volunteers. They were treated by general Montgomery in the most polite and honorable manner, and conveyed by way of Ticonderoga to the interior parts of the New England colonies.

HAVING succeeded in the conquest of Chambly and St. Johns, Montgomery marched on to

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* Gordon. Vol. I. p. 427.

Montreal. On his arrival, he found that general Carleton had quitted that place the day before. The inhabitants proposed a capitulation, or rather a kind of general treaty; but this was refused by Montgomery, as they were in no condition to make any defence, and had it not in their power to fulfil the proposed part of their agreement. To remove all their fears and doubts, he gave them an answer in writing, in which he made this declaration, "The continental army have a generous disdain of every act of oppression and violence; they are come for the express purpose of giving liberty and security; the general, therefore, engages his honor to maintain, in the peaceable possession of their property of every kind, the individuals and religious communities of the city of Montreal. The continental army came into this province for its protection; they, therefore, cannot consider its opposers as taking up arms for its defence." He considered the British government and power as subdued in the province of Canada, and the province itself as under the jurisdiction of the United Colonies; and made regulations for its safety and government: With such declarations and views he marched his army into the city, and took a quiet and peaceable possession of the place on the thirteenth of November.* Aware that the remains of the British forces would endeavor to escape from Montreal to Quebec by means of the river St. Lawrence, Montgomery had sent forward a party of his troops under the command of colonel Easton to the mouth of the river Sorel, to intercept them. The Americans armed the point, and secured the passage on the river St. Lawrence with a number of cannon, an armed gondola and boats, and several companies of musketeers, in such a manner that vessels could not pass without extreme difficulty and danger. General Prescot, with one hundred and twenty British officers and privates fell into the snare, and were obliged to surrender, November the seventeenth, with eleven sail of armed vessels, loaded with provisions, and military stores, and a great variety of other very valuable articles, which the British were endeavoring to transport to Quebec. This fleet, with its cargo and crew, were captured by Easton and his troops, without any loss to the Americans.

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* Murray's Hist. of the War. Vol. I. p. 538. Smollet. Vol. V. p. 229.

The situation of general Carleton, and the safety of the whole province of Canada, was now in the most critical and dangerous state. After his defeat by Warner, and the surrender of St. Johns, he had no other prospect of safety but to retreat to Quebec; nor did he dare to venture upon this measure, but in disguise, and with the utmost secrecy. The day before Montgomery took possession of Montreal, he left that city; and the night before Preston was obliged to surrender, he was conveyed by a boat, with muffled paddles, by a secret passage to the Three Rivers; and from thence, made his way through much difficulty and danger to Quebec.

And there, another and very serious difficulty awaited him. General Washington had formed the plan of an expedition against the eastern parts of the province, and the city of Quebec itself. The troops destined for this expedition were put under the command of colonel Arnold. On September the thirteenth, he set out from the camp at Cambridge, with eleven hundred men, and proceeded to Newburyport, at the mouth of Merrimac river. There he embarked on board ten transports, and arrived at the mouth of Kennebec river, on September the twentieth. Dismissing the transports, they embarked on board batteaux, and proceeded up that river with all the expedition that the business would admit. It would be difficult to find any thing in the histories of war, or indeed to conceive of greater hardship, labor, and resolution, than attended the exertions of this body of men. On the river, they were impeded by a rapid stream, with a rocky bottom and shores; by cataracts, carrying places, descents, and rapids, impassable for boats. On the shores they had to travel through deep swamps, thick woods, mountains, precipices, and large streams of water: Nor could they, for the most part, advance more than from four to eight miles a day. By their incessant labors and hardships, several fell sick, and so much of their provisions was lost in passing the rapids, that they became scarce, and many suffered severely with hunger. Some of the men killed and eat their dogs, and a few were reduced to such extremity as to devour their cartouch boxes, breeches, and shoes. Having arrived at the head of Kennebec river, colonel Enos was ordered to send back the sick, and those that could not be furnished with provisions; but contrary to Arnold's expectation, he returned himself with his whole division, consisting of three companies; a council of war which Enos held on the occasion, having pronounced it impossible to proceed for want of provisions. Arnold with the other divisions went on with a steady and daring resolution, determined either to succeed or to perish. Having crossed the heights of land, they arrived at length at the head of Chandiere river, a stream which falls into the river St. Lawrence, not far from Quebec. Travelling on this river, they soon approached the inhabited parts of Canada, and on November the third, they procured some provisions, and soon after came to a house, being the first they had seen for thirty one days. During all that period, they had been struggling against difficulties almost insurmountable, in a rough, barren, uninhabited country, where even the Indians did not reside.

As soon as Arnold appeared with his troops, the Canadians discovered the same disposition to give him a favorable reception, that they had manifested towards Montgomery; at Sertigan, the first French village at which they arrived, about twenty five leagues from Quebec, they were kindly entertained, and plentifully supplied with fresh beef, butter, fowls, and vegetables. Washington had prepared and signed a declaration, announcing to the Canadians that the Americans were not come to injure, plunder, or make war upon them, but to defend and preserve the liberties of every part of the continent; inviting them to join in the grand object and pursuit, and assuring them that they should be protected in their persons, property, and religion. The proclamation had a good effect; the Canadians afforded Arnold such assistance as was in their power, and he marched on in ease and safety, and arrived at point Levi, November the 9th,* with about seven hundred men.

THE arrival of Arnold with his troops, was not known at Quebec for twenty four hours; at this period, the inhabitants of that city were not in a situation to have made any defence. An universal discontent and division prevailed among the British inhabitants, owing to the opposition of the British merchants and others to the Quebec bill. The French inhabitants were still less disposed to engage in hostilities. It was known that they were very generally wavering and undetermined; and many were much inclined to favor the American proceedings. No confidence could be placed in either, to undertake the defence of the city; and had it not been for the intervention of the river, it does not seem that there would have been much difficulty or opposition to Arnold's marching in and taking immediate possession.

ON the twelfth of November, colonel Maclean marched into the city, with one hundred and seventy of his new raised regiment of emigrants. On the intelligence of this event, the next day at nine o'clock in the evening, Arnold began to embark his men on board a number of canoes which he had procured; and by four the next morning, five hundred of his men were landed at Wolfe's cave, undiscovered by the enemy.

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* Gordon, Vol. I. p. 408.

The next morning, it was known in the city what had taken place. Some of the sailors were landed from the ships, to manage the guns on the fortifications; several of the most active of the citizens came forward, and all began to doubt whether Arnold was in such force that it would be prudent to appear to assist or favor him. Arnold paraded his men on the plains of Abraham, set guards to cut off the communication between the city and country, and sent a flag to demand the surrender of the place. His flag was fired upon, and refused admittance; he was not strong enough to attempt to storm the city; and the hour in which it might probably have been carried by a coup du main, amidst the surprise and consternation of the inhabitants, was now past. On the nineteenth, the Americans decamped, and marched up to Point au Trembles, about seven leagues from the city; and the same day general Carleton arrived at Quebec. Determined to defend the place, his first step was to turn out the suspected, and all that would not engage to assist in the defence of the city; and nothing now remained for Arnold, but to wait the arrival of assistance from Montreal.

ENCOURAGED and animated by the vigorous proceedings of Arnold, Montgomery made all the exertions in his power to join him. Having left some troops in Montreal and the forts, and sent detachments into the different parts of the province to encourage and secure the Canadians, he pushed on with as many men as could be spared, and such artillery and supplies as he could procure, to join the troops before Quebec;

but his whole force did not amount to but a little more than three hundred men. Their march was in the winter, through bad roads, in a severe climate, amidst the falls of the first snows; and in the water and mire; but such was the activity and perseverance of Montgomery and his adherents, that on December the first, he joined Arnold at Point au Trembles, with three armed schooners, about three hundred men, and ammunition, clothing and provisions for the troops. On December the fifth, Montgomery with his army appeared before Quebec; his effective troops amounted to but a few more than eight hundred men, and he could have but little prospect of success. General Carleton was informed of the state of his army, and had made such preparations for defence, that he could have but little to apprehend from any attempts that could be made against the city, by so small a force, at that season of the year. His force, consisted of colonel Maclean's men, one hundred and seventy; a company of the seventh regiment, amounting to sixty; forty marines, four hundred and fifty seamen, belonging to the king's frigates, and to the merchantmen; and about eight hundred militia; amounting in the whole to fifteen hundred and twenty; but on the militia little depedence was to be placed. Montgomery attempted both to intimidate, and to persuade the British general to surrender; he also opened two small batteries, one of five mortars, and the other of six cannon, against the place; but his artillery was too small, and the season of the year too severe to have any hope of succeeding by a regular siege. Nothing remained but to put all to the risk of a general assault; and rather than to abandon the object, it was determined to venture upon this desperate measure.

It was not till December the thirty first, that circumstances would admit of an attack: On that morning there was a heavy storm of snow, and under this cover, Montgomery and Arnold led on their troops to storm the city, the garrison of which was much more numerous than their own army. The American troops were divided into four bodies, of which two were directed to make false attacks upon the upper town, while the real ones were made by Montgomery and Arnold, against the lower part of the city. With undaunted resolution, Montgomery led on his men, about two hundred, to the first barrier, which they soon passed, and advanced boldly to the second; but here a violent discharge of grape shot from several well placed cannon, together with a well directed fire of musketry, put an end to the life of this brave and enterprising officer. Most of the officers and others who were near their general, fell at the same time, and the command devolved on a Mr. Campbell; but he was so unused to this new kind of business, of storming a well fortified city, and so discouraged by the fall of Montgomery, that he retreated without any further exertions.

Arnold, with his division, amounting to about three hundred, made a vigorous attack upon another part of the town, and after an hour's engagement carried a small battery. In this conflict, one or two men fell, and Arnold had his leg shattered, so that he was obliged to be carried off. His officers however continued the attack with much vigor, till the British having dispersed the Americans in every other quarter, directed their whole force against this small body, and entirely surrounded them. Nor did their courage forsake them even in these desperate circumstances. They continued the fight for three hours longer, till their numbers were much reduced, and they were fully convinced that some misfortune must have befallen Montgomery and his party. At length no hope or prospect of relief remaining, they were forced to submit to necessity, and surrendered themselves prisoners of war.

In this unfortunate affair, the Americans lost nearly half their troops. About one hundred were slain, and many more were in captivity; and not more than four hundred remained, who were fit for duty. A council of war determined that Arnold should take the command, and continue the blockade; but the troops immediately quitted their camp, and retired about three miles from the city, and placed themselves in the best situation they could; hoping for relief, but expecting an attack.

Thus fell general Richard Montgomery, in the cause of liberty and America. He was descended from a very respectable family in the kingdom of Ireland. In the preceding war he had served with much reputation in the British army, which was employed in America. When peace was proclaimed he remained in America, married a lady of much virtue and delicacy, and purchased an estate in the province of New

York; and was in all the happiness of domestic enjoyment, with an easy fortune, and in rural and philosophical pursuits and retirement. When the controversies arose between the British ministry and the American colonies, he examined and penetrated the views of both; and from a thorough examination and conviction, he embraced the cause of the latter. When the commencement and rage of hostilities left nothing for the colonies but unconditional submission or war, he chose the latter, and took a decided part. Few commanders ever had a more difficult part to act, than what fell to his share when he undertook the command of the troops that were to invade Canada. Unacquainted with military discipline, infatuated with their notions of liberty, intoxicated with the idea of their own importance and fitness to command, the troops at first had much more the appearance of an undisciplined mob and rabble, than of a regular army. Painful and provoking as this must have been to an experienced officer, Montgomery bore it all, out of a regard to the American cause and interest; and persevered in his patience till he had taught his soldiers how to submit to discipline in their own camp, and to carry victory into that of their enemies. In all his language, behavior and conduct to the British officers and troops, whom he had subdued, he preserved an elegant and dignified politeness, and propriety of conduct. Acting in the duties of his profession with unalterable firmness, he carefully avoided every thing that bore the appearance of rudeness, affront, or insolence, to the officers or troops which he had captured.

At Quebec he was aware of the danger, which attended the measure that he had adopted. The circumstance which probably decided his determination was this; with the first January the time was expired, for which his troops were enlisted. Notwithstanding their attachment to him, and to Arnold, the sufferings of the troops were so great and constant, that it could not be expected but that numbers would avail themselves of the liberty to which they would then be entitled, of returning to their homes. In this way his army had been almost broke up before, and at a time when he was in the full pursuit and prospect of the most important success. He could not but expect that it would prove so now. Considering the state of the Canadian mind, there was a chance of success. Success would quiet, and keep his troops together, prove highly beneficial to his country, compleat the conquest of Canada, and entail immortality on his own character, fame, and glory. Defeat could do no more than to destroy the success of the expedition; and this would be as certainly effected by the dispersion, as by the defeat of his army. In this dilemma he chose the part, in which there was a chance for success and benefit. In the contest he fell, and in his fall there was every circumstance united that could impart fame and glory to the death of a soldier. Impelled by moral principle, at the head of his troops, beloved in his own camp, revered and respected in that of his enemies, shot through the head, breast, and thighs, he fell within the city that he was attempting to take. The British general Carleton, much to his own honor and glory, ordered to his body a funeral suited to the rank and office which he had borne. The American Congress wishing to do the same, appointed a day to commemorate his virtues, and celebrate his funeral obsequies; and ordered a monument to be erected to his memory. And what was highly to his honor, his most bitter enemies in their speeches in the British parliament, could not avoid celebrating his virtues.

"Stat sui cuique dies,..................................

..................................sed famam extendere factis,

Hoc virtutis opus."......................................

Civil wars and contests, though they generally occasion the greatest of all human evils and miseries, do also generally afford occasions for the display of the greatest abilities and virtues. The minds of the Americans had been more or less agitated by political contests for ten years before the war began. When hostilities commenced, they broke out with such circumstances of aggression and insolence on the part of Britain, that they left no room for the Americans to deliberate what course of conduct it was best for them to pursue. One choice alone remained; they must either submit to the British minister, or they must defend their country by force of arms. Such was the public virtue and sentiment, that the man's character would have been wholly lost in America, that did not chuse and avow the latter. The men of firmness, activity, military taste, character, and enterprise, saw that the time was arrived for all the exertions, that virtue, courage, love of their country, fame, ambition, or glory, could produce. No man was possessed of more native firmness, intrepidity, and ambition, than Arnold: And it will be difficult to find in ancient history, many instances of more determined resolution, persevering courage, and unabated ardor in military pursuits and sufferings, than were displayed by him, and the troops that went with him, in their march through the woods to Quebec.

THE route in which they proceeded was attended with difficulties so apparently insuperable that the Indians did not venture to travel on that path. The season was approaching, in which the bears and wolves retired from the severity of the cold and snow. If they lost, or if they could not carry their provision, there was no alternative, they must perish with hunger. What they had to expect in Canada, whether friendship or death, they could not tell. And what was to be expected from the expedition, success or defeat, was altogether unknown. The men that were to perform these services, and abide the risks of these dangers, had not been in service for more than four months; and the most of them had not before, been fifty miles from their own homes. It did not require the same degree of firmness and courage for Æneas and his countrymen to fly from expiring Troy, or for Zenophon with his ten thousand Greeks to make the retreat which they could not avoid, as was requisite to lead these men calmly to engage in such an expedition, or to persevere amidst the miseries and dangers that attended it. It will not be stating the matter too high to say, that this expedition of Arnold and his men, deserves a place, among the most extraordinary and daring exploits, which the history of war has recorded.

During this campaign, the American character had acquired a high degree of reputation and fame. It had been customary with the British writers, ministers, generals and speakers in parliament, to revile the Americans as cowards, poltroons and low spirited wretches, who had not courage enough to become soldiers, or to attempt to defend their country. Had this been only the language of policy, designed to encourage and animate the British parliament and nation to proceed to coercive measures, it would not have occasioned wonder or surprise. But it was the customary and sober language of the British generals, ministers, and parliament; what they really believed, and thought was actually true. In them it was in fact the language of faith and ignorance, of desire, expectation and confidence. When they heard of the movements and enterprise of Montgomery and Arnold, they were astonished and confounded. The American poltroons had shut up their army, and favorite generals, Gage, Howe, Clinton and Burgoyne, in Boston; reduced Ticonderoga, Crown Point, St. Johns, and Montreal and over run all Canada. Arnold had marched to Quebec by a route known only to the bears and wolves. What was, or would be the fate of Quebec, they did not know. The American cowards were become patriots and heroes; and the British ministers wisely concluded it would be best to buy some foreign troops to help them to fight their battles. Several of the petty German princes and tyrants dealt in the trade of selling men and human flesh. To them the British government repaired and purchased troops from the princes of Hesse, Brunswick, Waldeck, and Hanace, to help them in subduing their rebellious and cowardly American colonies. Already had the Americans become so formidable that both Britons and Germans were to be employed to crush their rebellion in the course of another campaign.

CHAPTER III.

AMERICAN WAR....*Progress and events of the war in the year* 1776. *Carleton's humanity and prudence. Arnold continues the blockade of Quebec. Sufferings and perseverance of the Americans. Arrival of the British fleet and army at Quebec, and retreat of the Americans. Proceedings at the Cedars. Defeat of the Americans at Trois Rivieres. Humanity and magnanimity of general Carleton. Proceedings of the British. Retreat of the Americans from Canada, under general Sullivan. Measures of general Gates to secure Ticonderoga, and build a fleet on the lake. Exertions of the British to secure the command of lake Champlain. Defeat and destruction of the American fleet. Carleton lands with his army at Crown Point. Returns to Canada without attacking Ticonderoga. Reflections on the events of the campaign, on the American character and firmness, and on the conduct of Sir Guy Carleton.*

1776. GENERAL CARLETON was now engaged in preserving the city of Quebec. Having been successful in defending it against the violent assault of the Americans, he was now employed in strengthening the works, reducing the garrison to greater order and discipline, and making preparations to repel any further attempts that might be made against it, till reinforcements could arrive from England. From the manner in which he had treated Allen and the prisoners which he took at Montreal, it was feared that he would act with severity against the Americans who had now fallen into his hands. His conduct was altogether the reverse. The number of British prisoners which the Americans had captured, and the dignity and magnanimity of his own mind, had raised him above the exasperated feelings and cruel revenge, with which monarchs generally contemplate what they call rebellion. And while the other British commanders in America were affecting to display their regard to the British king and government, by abuse, insolence, and inhumanity, to those Americans whom the fortune of war had thrown into their hands; Carleton discovered the principles and feelings of exalted bravery and humanity, by a dignified and polite treatment of the officers and privates who were become his prisoners. Their general was put into an elegant coffin, and buried with those military honors and attentions, which became his rank and character. The officers were provided with money, and other articles which they wanted, invited to dine with the British commander and officers, and treated with all those attentions that the customs of war had made respectful and consoling to the unfortunate. The privates were as well treated and fed as prisoners of war are accustomed to expect. By this method of conduct the British general was not only securing the confidence of his own garrison, but conferring favors on his prisoners, which increased their obligations to preserve the honor of soldiership in every part of their conduct. But as it was altogether uncertain what new forces the

Americans might bring against Quebec during the winter, or what further attacks might be made upon the city before he could obtain any succours, that sagacious commander did not venture to run any risk, to make any attack on the Americans, or to take a step which might occasion the loss of a single man of his garrison.

WHILE Carleton was pursuing such measures within the walls of Quebec, Arnold and his men had their quarters about three miles from the city; and kept up a proper blockade, preventing any supplies from being thrown in. He had not more than four hundred men fit for duty, and from their reduced numbers and situation they were in constant expectation of an attack. Discouraging and desperate as their circumstances seemed to be, instead of any symptoms of fear, Arnold and his men discovered amazing vigor of mind and perseverance in their enterprise. An express was sent to general Wooster at Montreal, to come with a reinforcement and take the command; but as that could not be done without considerable delay, Arnold still persevered in the blockade, and rendered the condition of Quebec still precarious, by obstructing all supplies of provisions, or other necessaries. It was not till the twenty fifth of January that they received any assistance, on that day a small reinforcement of twenty seven men arrived from Massachusetts; other small detachments soon followed. All the troops that could be spared from Montreal were sent down, but it was not till late in the month of February, that the troops before Quebec amounted to nine hundred and sixty men; of which only seven hundred and seventy two were privates fit for duty. With this small addition they were so much encouraged as to advance, and begin works against Quebec, but their artillery made no impression. One of the loyal Canadians, a Mr. Beanjeu, had collected a body of above three hundred men, with a design of dispersing the Americans and raising the siege; with this party, eighty of the Americans had an encounter on March the twenty fifth, and soon and easily dispersed them.

When the American Congress received information of the disaster at Quebec, they ordered four battalions to Canada; and in April they increased the number to ten, and general Thomas was sent to take the command. The most of these troops were on their march, and by the first of May, general Thomas arrived in the camp, but the number that had arrived in the vicinity of Quebec, amounted to no more than nineteen hundred men. An event however had taken place, which reduced them to a state of impotence and inactivity; the small pox, the scourge and terror of the English colonies, had broke out and was carrying destruction and dismay through the American camp. Whether casual or through design, a girl who had been a nurse in the hospital at Quebec came out from the city, and gave this distemper to some of the continental soldiers. It was impossible to prevent the disorder from spreading, and the soldiers regardless of all orders to the contrary, consulted their own safety, and innoculated themselves. The reinforcements which were daily arriving did the same; and as they had neither medicines, suitable provisions, or barracks; sick, weak, and dejected, they were scattered all around the city. In this state was the American army when Thomas took the command; and on the first of May, there were not nine hundred men fit for duty.

THOMAS however wished to put his army in motion, and attempt something against the enemy. The ice about the city was in a great measure glare, and the river would now admit of navigation. A party of the Americans went below the city and fitted out a fireship: On the third of May they took the advantage of the flood, and at ten o'clock in the evening, sent her up to set fire to the shipping in the harbour. At the same time the army was drawn up, to avail themselves of the confusion that was expected from the fire, and to assault the city if circumstances should prove favourable. The fireship coming from below did not at first give any alarm, it was supposed to be for the relief of the city. Being night, the ship arrived near to the vessels in the harbour, before it was discovered to be an enemy. The British then commenced a very heavy fire from the city; the people on board the fire ship lighted the train, her sails took fire and in a moment she was in a blaze; but the tide beginning to ebb, she was carried down the river, and the men escaped in their boats. Thomas now perceived that nothing could be done to any effect against the enemy, by an army in the condition to which his was reduced, and that their provision would last for no longer a time than three days. The season was also approaching in which troops would not fail to arrive from England, and it was known that these would amount to a strong force. Instead of attempting further to annoy the enemy, it now become necessary to provide for their own safety. A council of war was called on May the fifth, and it was concluded to make the best retreat in their power.

On the next day, early in the morning, the Isis man of war and two frigates made their appearance in the river. By the zeal and activity of their officers and men, these vessels had forced their way through the cakes of ice, while the passage up the river was extremely difficult and dangerous. They had on board one thousand marines, and two companies of the twenty ninth regiment; which were landed with much expedition. About noon, general Carleton threw open the gates of the city, and marched out with eight hundred regular troops to give battle to the Americans. Universal consternation now took place in the camp of the besiegers. They had already began their retreat, and were so dispersed at Point Levi, the Isle of Orleans, Beau Port, and other villages, that general Thomas could not collect together more than three hundred men. Without attempting to make any opposition, the Americans abandoned their artillery, stores, baggage, and every incumbrance; and fled as fast as they could in every direction. The king's troops which had just arrived, were not in a condition to pursue them; and so precipitate was their flight, that not more than one hundred, including the sick, fell into the enemies' hands. They retreated forty five miles before they stopped, having marched almost the whole night. Supposing they were then out of the reach of the enemy, they halted a few days and proceeded to Sorel. On their arrival, their sufferings were severe and extreme. Many of them were broke out with the small pox, most were destitute of provisions, and all of them had no other money but the continental currency, which had now lost all its credit in Canada. Some of the Canadians proved kind and friendly to them on their retreat, but most were averse to affording them any assistance, or to having any connection with them in their forlorn situation. At Sorel they found four American regiments, and remained with them till they were reinforced by the arrival of the other battalions. At that place, general Thomas died with the small pox, and the command devolved on general Sullivan, who had repaired to Canada early in May.

During these transactions, Arnold had been stationed at Montreal. In the beginning of January, the Congress had appointed him a brigadier general; and on April the first, when Wooster went to Quebec to take the command, Arnold was directed to reside, and take the direction of affairs at Montreal. A party of the Americans, amounting to three hundred and ninety men, had been posted at the Cedars, a small fort, forty three miles above the city, under the command of a colonel Beadle. A detachment of the British, under the command of a captain Foster, had come down from the lakes against this place. It consisted of forty British soldiers, one hundred Canadians, and about five hundred Indians; but they were armed only with musquets. Beadle, in a pusillanimous manner, abandoned the command of the fort to a major Butterfield, and repaired to Montreal for a reinforcement; and Butterfield, with an equal want of spirit, surrendered the fort and garrison to Foster, on the fifteenth of May. Major Henry Sherburne, a brave and able officer, was detached from Montreal with one hundred and forty men, to relieve the post at the Cedars. Before Sherburne arrived, Butterfield had surrendered, and his small party was surrounded and taken prisoners by the savages. Many of them were sacrificed to the savage fury, butchered by the tomahawk, or barbarously wounded and maimed after they had surrendered. Twenty were killed in cool blood, and seven or eight were carried off by the Indians; the rest were stripped almost naked, drove in that situation to the fort, and delivered to captain Foster. To check this scene of conquest and barbarity, Arnold marched for the Cedars, at the head of eight or nine hundred men. To save himself and his garrison, Foster acquainted Arnold, that if he would not agree to a cartel, which Sherburne and the other officers had been required and agreed to sign, but moved on to attack him, the Indians would immediately proceed to put every prisoner to death. Arnold hesitated, and was much averse to such a measure; at length he agreed to it, as the only expedient to save the prisoners from an immediate massacre. A cartel was concluded and signed the twenty seventh of May, for the exchange of four hundred and seventy four Americans who had been taken at the Cedars, and that four American captains should remain as hostages, till the prisoners were exchanged. The threatnings of Foster, his avowal of an universal massacre of the Americans, and the actual murder of several of them after their surrender, were deeply resented by Congress. They resolved that Arnold's agreement was nothing more than a sponsion that might be annulled or confirmed by them, as he had no power to dispose of prisoners not in his possession, or under his direction; they refused to return the British prisoners on their part, till the British commander in Canada should deliver into their hands the perpetrators of the murders committed on the American prisoners; and make indemnification for the plunder of the prisoners, contrary to the articles of capitulation. At the same time they cashiered Beadle and Butterfield, and declared them incapable of ever bearing a commission again, in the American armies. It would be difficult to reconçile either the proceedings of Foster, or the resolves of Congress to the maxims of military honor; it was however necessary for Congress not to acquiesce in the practice of Indian massacres, or to allow the British king or officers to adopt those barbarities, or to avail themselves of the insolence and arrogance with which they affected to treat the American rebels.

THE force destined for Canada consisted of several British and German regiments, and amounted to thirteen thousand men; by the latter end of May, the whole of the troops had arrived at Quebec. The general rendezvous was at Trois Rivieres, about half way between

Quebec and Montreal; but the British and Brunswick troops were at that time much scattered. A considerable body was at Trois Rivieres, under general Frazier; another, lay near it on board the transports, under general Nesbit. But the main body under the generals Carleton, Burgoyne, Phillips, and Reidesel, were in several divisions by land and water, on their way from Quebec. From the situation of the enemy and the intelligence which had been procured, general Sullivan, on whom the command had devolved on the death of Thomas, concluded it was practicable to surprise the British advanced party at Trois Rivieres; and appointed an expedition for that purpose, under general Thompson. On June the seventh, Thompson embarked at Sorel, with eighteen hundred men, in fifty boats. Coasting along on the south side of what is called the lake St. Peter, where the river St. Lawrence spreads to a great width, they fell down to Nicolet; and from thence, descending the river by night, passed over to the other side, with an intention to surprise the troops at Trois Rivieres, under general Frazier, by a strong detachment, which was to assault each end of the village at the same time. Their plan was to land nine miles above the town, so early as to march down in the night, and commence the attack a little before day break; but unavoidable delays prevented their being able to land till near day light. This delay proved fatal to their whole scheme; for although they had escaped the notice of the ships, they were discovered by some of the British troops on their landing. Having lost their way, the Americans became entangled in swamps and bad grounds and in that situation were attacked by general Frazier's troops, and thrown into confusion. In the mean time general Nesbit was landing his troops from the transports, directly in the way in which they must return, so as to cut off the communication with their boats. In these desperate circumstances they were nearly surrounded by the enemy, and no way of safety remained but to surrender to the British, or to disperse, and let every man shift for himself. The latter was preferred, and they made their way into the woods, where they found a shelter from the pursuit of the enemy. The next day about ten o'clock, the American troops began to collect, and the day after, June the tenth, about sun set, they arrived opposite to Sorel. In this ill judged and unfortunate expedition, the British suffered but very little; nor was the loss great on the American side. General Thompson, colonel Irwin, and some other officers, with a number of men, fell into the enemy's hands; but few were slain on either side. The person who had the care of the boats removed them to a place of security; and nothing more was taken by the enemy, than the prisoners which they picked up in different places; these amounted, when they were all collected, to about two hundred men.*

WHILE the Americans were thus unfortunate and retreating from every part of Canada, general Carleton conducted with much humanity and discretion. The American officers who were made prisoners in Canada, he sent on board a vessel to New England, on their parole of honor; and supplied them with every thing requisite to make their voyage agreeable and pleasant. The other prisoners amounted to about eight hundred; these were called upon to take an oath not to serve during the war against Great Britain, unless they were properly exchanged; those that were almost naked, were decently clothed; and they were then sent by a flag to the American commanders. A number of the sick and wounded were scattered about in the woods and villages, destitute of every comfort of life, and in extreme danger of perishing through want. To prevent the melancholy fate that awaited these wretched men, Carleton issued out a proclamation, commanding the proper officers to find them out, and afford them all necessary relief and assistance at the public expence. And that nothing might be wanted to make their relief compleat and encouraging, he assured them by his proclamation, that as soon as they were recovered, they should be sent back to their respective provinces. By these acts of magnanimity and sound policy, most of these unhappy men were preserved from perishing. The officers and men returned to their several provinces, announcing the praises of sir Guy Carleton; and avowing that no considerations should persuade them to bear arms against the British, till they were fairly exchanged.

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* Gordon. Vol. II, p. 67. Murray. Vol. II, p. 69. Smollet. Vol. V, p. 272.

The American army in Canada was now greatly inferior to the British, in number, artillery, health, accommodations and every other circumstance; and nothing remained for them but to make as expeditious a retreat as possible. The kings forces having assembled at Trois Rivieres, proceeded by land and water to Sorel, where they arrived June the fourteenth, in the evening; a few hours after the rear of the Americans had left the place. A considerable body was landed, and the command of the column was given to general Burgoyne; with instructions to pursue the American troops up the river to St. Johns, but not to hazard any thing till he should be joined by another column. On June the fifteenth general Arnold with his troops left Montreal, and having crossed the river St. Lawrence at Longuil, marched for Chambly. A large part of the British fleet and army had sailed for Montreal, and had not the winds prevented, would have arrived at the city about the time that Arnold left it. The American troops having assembled at Chambly, engaged with much spirit and resolution to save their artillery and stores. Many of the men were still under the operation of the small pox, but they readily plunged into the water to drag their batteaux, loaded with cannon and baggage, up the rapids. This service was attended with much difficulty and danger, and could not be effected otherwise than by the bodily strength of men, who were up to their middle in water. In this way, with much resolution and expedition they drew more than one hundred batteaux, heavily loaded, over the falls and rapids of the river Sorel. Having thus saved their artillery and stores, they set fire to the saw mills, to three vessels and three gondolas, and to all the boats which they could not bring off; and so closely were they pursued, that the British were entering one end of Chambly, while the Americans were marching out at the other. On the eighteenth general Burgoyne arrived at St. Johns in the evening. The Americans had taken away every thing that could be transported, and set fire to the barracks and forts; A major Bigelow remaining with about forty men till the works were destroyed, at dusk pushed off in his boats to Isle aux Noix, to which place the American army had repaired. From the Isle the army proceeded in safety, and without any danger of a pursuit, to Crown Point; and remained masters of lake Champlain, the British not having been able to bring any of their vessels over the rapids and falls at Chambly.

A retreat had seldom been effected in more disastrous circumstances, or in greater precipitation; and yet the loss of stores and men were too inconsiderable to be detailed. When Sullivan took the command of the troops, he found them reduced to the lowest state of distress by defeat, the loss of their generals and men, sickness, want of provision, cloathing and almost every necessary of life. He labored incessantly to relieve their wants, to restore their spirits, and to reduce them to order and discipline. And by the assistance of Starks, Poor, Wayne, and other excellent officers, had succeeded in making a safe retreat before a far superior British army, and bringing his army safe to Crown Point. On June the seventeenth, Congress had appointed general Gates to take the command of the army in Canada. When he arrived at Crown Point, he found the army in a safe, but in a very reduced situation. The number of troops which had been ordered to Canada, were ten regiments; by the returns, the whole now amounted to seven thousand and six. By the losses which had been sustained at Quebec, Trois Rivieres, the Cedars, the retreat from Canada, with the deaths and desertions which had taken place, the northern army had been greatly diminished. The small pox still prevailed, not a cannon was mounted, or any preparation made for defence; nor had the men yet recovered from the labors and hardships of the retreat. Sullivan resigned the command to Gates, and on July the twelfth left the place. His conduct had been so acceptable to the army, that the field officers, in their address, bore this testimony to his merit: "It is to you, sir, the public are indebted, for the preservation of their property in Canada. It is to you we owe our safety thus far. Your humanity will call forth the silent tear, and grateful ejaculation of the sick; your universal impartiality will force the applause of the wearied soldier."* The American Congress joined in their approbation of his conduct, and returned him their thanks for having saved their army in Canada when encumbered with almost insuperable difficulties, and made so judicious a retreat.

The business of Gates was now to recruit his army, to restore them to health and spirits, to provide them with clothing and necessary accommodations, and to prepare for defence; and in these pursuits he discovered great activity and prudence. The first business of the army was to take a situation that could not be easily reduced by the enemy; and it was the unanimous opinion of a council of war, not to erect fortifications, or make their stand at Crown Point, but to take their post on the strong ground opposite to the east point of Ticonderoga. By the end of July their affairs began to bear a more encouraging aspect. A general hospital was established at fort George, at the south end of that lake. Those that were ill with the small pox were sent to the hospital, and the army began to be free from that disorder. To avoid the contagion, the recruits were directed to assemble at Skeensborough, and by the end of July they began to come in, in considerable numbers. On the sixth of August, a body of six hundred men arrived from New Hampshire; and the army was constantly improving in health, discipline and numbers; and were active and vigorous in enlarging and improving their works of defence.

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* Gordon. Vol. II. p. 165.

In addition to the labor and expence of putting Ticonderoga into a proper situation for defence, another object of equal importance engaged their attention at the same time: It was equally necessary to preserve the command of lake Champlain, by the construction of a superior naval force. In the prosecution of this business the Americans labored with uncommon diligence and perseverance, but under complicated and immense difficulties. Their timber was to be cut down in the woods, and dragged by the men to the place of use; much of their artillery, their ammunition, stores, and most of the materials for a naval equipment, were to be brought from a great distance; and must be transported by a land carriage, over roads almost impassable. Carpenters and ship builders were fully employed in the sea ports, in fitting out privateers. The distance and difficulty of the communication rendered the transportation of bulky articles very expensive and tedious; and several of the articles which were wanted, were not to be procured at all, or with great deficiency of quantity and quality. But amidst all their difficulties, such was the resolution, industry and perseverance of the men, that by the eighteenth of August, they had equipped a very considerable naval force. It consisted of one sloop, three schooners, and five gondolas, carrying fifty five guns; twelve, nine, six, and four pounders; besides seventy swivels.* This armament was manned with three hundred and ninety five men, and was completely fitted for action. Considering the state of the country at that time, the difficulties and disadvantages under which this naval force had been constructed, instead of enquiring why the Americans did not effect more, the surprise will be how they could effect so much, in so short a time.

AT the north end of the lake, the British had been also diligent and much engaged in forming a fleet, which should give them the superiority and enable their army to pass over the lake and attempt the reduction of Crown Point, Ticonderoga and Albany. Not only their troops and sailors, but a large part of the Canadians were employed all the summer in this business. Six armed vessels had been built in England, and sent over to be employed on the lake. It was found impossible to convey them up the falls of Chambly, and no other way remained but to take them in pieces, and in that form to carry them over the rapids, and then put them together again. A gondola, weighing thirty tons, thirty long boats, a number of flat bottomed boats, and four hundred batteaux, had also been dragged up the rapids. At length in the beginning of October, the British fleet were prepared to enter the lake. This fleet consisted of the Inflexible, which had been re-constructed at St. Johns, in twenty eight days from the time of laying her keel; and mounted eighteen twelve pounders; the schooner Maria, mounting fourteen six pounders; the Carleton, carrying twelve six pounders; the Thunderer, a flat bottomed radeau, with six twenty four pounders, and six twelve pounders, besides two howitzers; some gondolas, having seven nine pounders; twenty gun boats, carrying each a brass field piece, from nine to twenty four pounders, and some with howitzers; and four long boats, with each a carriage gun, serving as armed tenders. These, amounting to thirty one in number, were all designed and prepared for attack and battle; and were to be followed with a vast number of vessels, batteaux and boats, constructed for the transportation of the royal army, with its stores, artillery, baggage and provisions.*

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* Gordon. Vol. II, p. 144.

THE armament was conducted by captain Pringle, and the fleet navigated by seven hundred prime seamen, of whom two hundred were volunteers from the transports. Having rivalled the crews of the ships of war in all the toils of the preparation, these men now boldly and freely offered to join with them in the dangers and conflicts of the expedition. The guns were served by a detachment of men and officers belonging to the corps of artillery. And no equipment of the kind was ever better appointed, or more amply furnished with all kinds of provisions, necessaries, and conveniences. This force far exceeded any thing the Americans had been able to provide. In the number and strength of the vessels, in the number of guns, the implements of war, the weight of the metal, and number of men, the strength of the British was double to that of the American fleet. Thus was lake Champlain, which from the first settlement of the European colonies had been the seat of war and contest, in the year 1776, covered with fleets, which in former times would have been esteemed a respectable force upon the European seas.

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* Gordon. Vol. II, p. 145.

The American fleet was put under the command of general Arnold, and in the latter end of August, sailed down the lake to reconnoitre and gain intelligence; and soon after was reinforced with a cutter, three gallies and three gondolas, carrying from four to eighteen pounders; the fleet now amounted to fifteen vessels. On the eleventh of October general Carleton proceeded up the lake with the British fleet, and discovered the American armament posted in a very advantageous situation, and forming a strong line to defend the passage between the island Valcour and the western main. This island lies between the south Hero and the town of

Peru, in the state of New York; and is very near to the channel, through which vessels navigating the lake, must always pass. The Americans had placed themselves with so much ingenuity behind this island, that their situation was discovered by accident. The British were aware of their superior strength, and pushed on to the contest. A warm action ensued, and was maintained with great spirit and resolution on both sides for some hours. The wind was unfavorable to the British in this battle, so that the Inflexible, which was considered as the admiral's ship, and some other vessels of force, could not be brought into action. The severest fire was directed against the schooner Carleton, and the gun boats; which were attacked by the Americans with a daring impetuosity and resolution, and defended by the British with an undaunted firmness and success. The wind continuing unfavorable, captain Pringle, with the approbation of the general, thought it best to withdraw the vessels that were engaged, from the action; and as the night approached he brought the whole fleet to anchor in a line, and as near as possible to the Americans, to prevent their escape. No greater exertions of determined courage and unalterable firmness ever can be made, than what were displayed by the officers and men on both sides, on this occasion. Among the Americans, general Waterbury, in the Washington galley, was in the severest part of the action. All his officers, excepting one lieutenant and the captain of the marines, were killed or wounded; he fought himself on the quarter deck the whole time, and brought off his vessel, though shattered and almost torn to pieces.

The result of this action had been in favor of the British, but less so than they expected. Their force, in every respect, was double to that of the Americans, and they did not suspect that they would dare to dispute with them for the naval superiority on the lake; but they had met with an animated opposition, and considerable loss; two of their gondolas were sunk, and one blown up with sixty men. The Americans had one of their schooners burnt, and a gondola sunk, and several of their vessels much injured. Arnold though resolute and ambitious in the highest degree, was convinced that the British force was so much superiour to his own that it could not be attacked with any prospect or success, and must in the event prevail. His endeavour now was to draw off his vessels, and under cover of the night to make a safe retreat to Tyconderoga. This measure was planned and executed with ability, and so far succeeded that the next morning his vessels were out of sight of the British. Fearful of loosing a decisive victory, the British commenced the chase the next day, and one of the American gondolas was overtaken and captured. On the thirteenth of October the wind proved favorable to the British; they renewed the chase with much vigor, and about noon overtook the American vessels, a few leagues from Crown Point. A warm engagement ensued; the British pressed on with energy and resolution, and the Americans made a desparate resistance. The Washington galley, commanded by general

Waterbury, the second in command, had been so much shattered and had so many killed in the former engagement, that she was obliged to strike after receiving a few broadsides. Arnold was on board the Congress galley; this vessel was attacked by the Inflexible and two schooners; two of these were under her stern, and the other on her broadside, within musquet shot. The whole British fleet kept up an incessant fire for four hours, with round and grape shot, which was briskly returned by the Americans. Arnold found that no exertions of courage or skill would enable him to withstand the superior force and fire of the enemy; and determined that his men should not become their prisoners, nor his vessels trophies of their victory. And such was his resolution and dexterity, that he not only covered the retreat of the vessels that escaped, but he ran the Congress galley with five of the gondolas ashore, in such a manner, as to land the men safely and blow up the vessels, in defiance of every effort the British could make to prevent it.

But few battles had ever been fought in which the military virtues of courage, resolution, and heroism, had been better supported, or more generally displayed. The British obtained the victory, and had destroyed the fleet of their enemies; the Americans made a most obstinate resistance, escaped out of their hands, and fully convinced them that in no other way but that of superior force, could they ever hope to prevail or effect any of their purposes. Arnold in this action, fully supported the character, which he had before acquired; or rather added to the celebrity of his reputation. He had before shown that he was a brave and undaunted soldier, and he had now executed the duty of an able naval commander. The Americans, though unfortunate, gloried in the dangerous attention that he paid to a nice point of honor; he kept his flag flying, and would not quit the Congress galley, till she was involved in flames, so that the enemy could neither board her, nor strike her flag. The event however was, that after the action, the American fleet consisted only of two gallies, two schooners, one sloop, and one gondola.*

LAKE Champlain was now recovered by the British, but their great object was to reduce Crown Point, Ticonderoga, and Albany; and thus effect a coalition with the British army at New York, under the command of general Howe. This, it was supposed, would give them the command of Hudson's river, cut off the communication between the northern and southern colonies, leave the New England provinces to the mercy of Britain; and thus go far to put an end to what they called the rebellion, and of which they supposed New England to be the main support. And had general Carleton, upon the reduction of the American fleet proceeded immediately to Ticonderoga, he would have found that place not well prepared for resistance, or in a situation to have long sustained a regular siege. But on October the fourteenth, the wind came about to the southward, and blew fresh from the south for eight days, which made it impracticable for the British fleet to proceed up the lake; and Carleton found it necessary* to land his army at Crown Point. The Americans, on the defeat of their fleet, had set fire to this fortress, destroyed every thing they could not carry away, abandoned the place, and retreated to the main body at Ticonderoga. At that place they were much engaged in strengthening their works, and preparing for defence. In eight days they had made carriages for forty seven pieces of cannon, and had them properly mounted, surrounded their works with abattis, done much on their entrenchments, received considerable reinforcements, and put things in a readiness for defence on every quarter. General Gates was now twelve thousand strong; the men were effective, and the most that had been sick were recovered. In this situation he was not unwilling that general Carleton should make an attempt to carry the place, at that late season of the year.

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* Gordon. Vol, II, p. 146. Murray. Vol. II, p. 396.

THAT wise and judicious commander did not however move his army from Crown Point, but remained there nearly a month, till the appearances of winter began to take place. Detachments and reconnoitring parties advanced at one time on both sides of the lake, and proceeded within a small distance from the works; and at the same time some vessels approached within cannon shot of the forts, examined the direction of the channel, and sounded its depth. It was supposed the British general was procuring the necessary information in order to move on, and make a general assault; but the apparent strength of the works, the difficulties that would attend a regular approach, the countenance of the Americans, and want of information respecting their real numbers and strength, with the lateness of the season, and the near approach of the severities of an American winter, seems to have prevented any such attempt. At the end of about one month, Carleton re-embarked his army and returned to Canada, without making any attempt for the reduction of Ticonderoga; the same day general Gates dismissed the militia, and all military enterprises were terminated on lake Champlain for that year.

The events of the war during this campaign, had been greatly unfavorable to the American cause and interest. At the northward, sir Guy Carleton had recovered the whole province of Canada, destroyed the American fleet, and forced their northern army to repair for shelter to Ticonderoga. At New York, general Howe had defeated the Americans with great success and slaughter on Long Island; driven them from the city and island of New York, and the adjacent counties; captivated their forts, men, and magazines; made their favorite general Lee a prisoner, and taken possession of the province of New Jersey, and the rich country that was surrounded by water in the colony of Rhode Island. The only successes that had been obtained by the American armies had been in the defeat of sir Peter Parker and lord Cornwallis, in their attack upon Sullivan's Island, in the harbor of Charlestown, South Carolina; and in the action at Trenton, in which general Washington had captivated one thousand of the German troops. It every where appeared that the armies and fleets of Britain, were superior in numbers, discipline, strength, and every military accommodation and equipment, to any force that the Americans had been able to bring against them. The fate and the reward of the American rebellion, said the British ministers and parliament, is at hand; and for the good of the nation and the colonies, it must be exemplary and severe. And whoever computed the event by the natural course and operation of things, could scarcely avoid concluding that the contest must soon terminate in the entire subjection of the colonies, and in the compleat establishment of the power and sovereignty of Great Britain.

AMIDST these misfortunes and disasters, the Americans discovered a firmness of character, and a steadiness of pursuit, equal to any thing that is to be found in the virtue or hardihood of antiquity. It was while their armies were weak, defeated and dispirited; when their enemies were strong, powerful and gaining the victory; at the moment when an immense fleet and army of English, Scotch, Irish, and German troops, were pouring into their country, that they formed the resolution to dissolve all political connection with the British king and nation; and to declare themselves *Free and Independent States.* In defiance of every risk and danger, surrounded by victorious fleets and armies, uncertain of any foreign assistance, on July the fourth, 1776, in the name and by the authority of the people of the colonies, they solemnly published and declared, "that the united colonies are, and of "right ought to be, FREE AND INDEPENDENT "STATES, and that they are absolved from all "allegiance to the British crown, and that all "political connection between them and the "state of Great Britain, is, and ought to be, "totally dissolved." Having made this declaration, neither the threatnings or the speeches of the British king or parliament, the insidious arts of their ministers and commissioners, or the victories and ravages of their fleets and armies, could make any impression to shake their resolution, or abate their perseverance. They had determined they would not be subject to a king, parliament and nation, that would arm the Negroes, Indians and Germans, to destroy and subdue them. To this determination they steadily adhered amidst every defeat or success, promise or threatning, good fortune or bad. And in the most distressing situations and prospects to which they were ever reduced, nothing altered or abated their resolutions or views. At no time, and on no occasion did the Congress, the government of any one of the states, a single county, city, town, or village, deviate from the general resolution; or ever propose or express to the enemy, a design or wish for reconciliation or accommodation, on any other terms than those of Independence.

The Grecian vivacity, or the Roman insolence, may have produced a higher tone of affected haughtiness; but in what part of ancient or modern history shall we find the country, the time, the place, or the occasion, in which political virtue and magnanimity acted with more decision, was carried to a greater extent, or was marked with a more dignified aspect? With a calm, serene, determined virtue and perseverance, the Congress proclaimed that the United States were, and should be, a free and independent nation; with unaltered firmness, resolution, and intrepidity, Washington and the armies moved on, fought, suffered and bled, to effect the grand event. Corruption had not courage enough to appear; and as if the age of miracles was returning, the time-serving politicians were forced to act the part of good and virtuous citizens.

Of all their opposers, the United States had the most to fear from sir Guy Carleton. This able officer had taken a step, which did not seem to have much engaged the attention of the rest; he had brought his moral virtues into the contest. Every part of his conduct denoted the officer of great abilities and honor, and the man of distinguished humanity and magnanimity. His tenderness and friendship to his prisoners, and the generous greatness of mind with which he sent them back to their respective provinces, had made a strong impression, not only on the affections of those Americans who had fallen into his hands, but on the public feeling and sentiment. Many observed with pleasure in his conduct, those useful and amiable virtues which they had been taught to expect and to value under the names of British honor, integrity, dignity, and manliness. Had the other British commanders pursued the same line of conduct, it would have been difficult to have persuaded the Americans that they would find any thing better under their own independence, than what they might have enjoyed under British laws, British government, and British honor. But these impressions were altogether done away by the conduct of the troops under sir William Howe, or rather by the Hessians, Waldeckers, and other German auxiliaries. Cruelty, pilfering, rape, destruction and plunder, marked their steps and their abode. Wherever they came, neither property, chastity, nor personal apparel, seemed to be safe for a moment. Such were their brutal manners, their ferocious tempers, and their habits of plunder and pillage, that they became every where hated and avoided. And it yet remains a problem, which would have been the greater evil to the Americans, to have fallen into the hands of the Senecas and Mohawks, or into those of the Hessians and Waldeckers. So compleatly odious were these troops, that the whole country wisely determined to perish in the contest, or to clear their country of the foreign barbarians.

Carleton only, seemed to understand the American character and habit, and how it might be managed to the advantage of the British cause. The inhabitants in the vicinity of lakes George and Champlain, were much in fear that the former scenes of an Indian warfare, burning, scalping, and plundering, would again be renewed on the lakes. Carleton took much pains to prevent this method of carrying on the war. He encouraged the Indians to assist his troops, to kill all they could in battle, and to take as many prisoners as possible; but he laid them under strict orders not to kill or scalp their prisoners on any occasion. When he found that he could not restrain them from these inhuman cruelties, he kept up the dignity and manliness of the soldier, and dismissed his Indian allies; declaring that he chose rather to be without their assistance, than to carry on the war in that savage manner.* This conduct procured the applause, not only of the Americans, but of all Europe. It was only among some of the politicians and speakers in the British ministry and parliament, that any men were to be found sufficiently savage to call for more of the Indian barbarities, and to censure the conduct of a British governor, because he would not put them in practice. Unfortunately for the British minister and parliament, the evidence of their sentiments, and their avowal of the Indian inhumanities, will remain forever in the historical accounts of the parliamentary proceedings of that day.

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* Murray. Vol. II, p. 397. Smollet. Vol. V. p. 239.

CHAPTER IV.

AMERICAN WAR. *Progress and events of the war in the year 1777. General Burgoyne appointed to the command of the troops in Canada. State of the army under his command. Expedition to the Mohawk river. Burgoyne's arrival and speech to the Indians at Boquet river. Invests the forts at Ticonderoga. Evacuation of the works by St. Clair. Battle of Hubbardton. Destruction of the American works and vessels at Skeensborough. State of the American army at fort Edward. Exertions of the New England States to oppose Burgoyne. Victory of general Starks at Bennington. Defeat of Herkimer at fort Stanwix. St. Ledger abandons the siege. Cruelties of the Indians, and murder of Miss M'Rea. Proceedings on lake George. Burgoyne passes Hudson's river. Battle of September the nineteenth. Defeat of the British army on October the seventh. Retreat of Burgoyne. Distress and surrender of the royal army. Citizens of Vermont return to their settlements and civil occupations.*

1777. THE transactions of the last campaign had served to give to the Americans, a high idea of the abilities and wisdom of sir Guy Carleton, and the general apprehension was, that the United States had more to fear from the exertions of this officer, than from any other of the British commanders. His conduct however, while it carried conquest and conciliation in America, did not seem to have given full satisfaction to the British ministry. They were not pleased with his restraining the Indians, and not suffering them to carry on the war in their customary manner of plundering, burning and scalping;* and they had such extravagant ideas of the force and prowess of the British troops, that they had flattered themselves that as soon as the royal armies were set in motion, the contest would be decided, and the American rebellion crushed in the course of one campaign. Little acquainted with American affairs, and extremely sanguine in all their plans and expectations, they formed their arrangements for a new campaign, without so much as consulting general Carleton, by far the most able of all their generals in America. They formed their plan without any reference to his judgment, and in the execution left nothing to his opinion or discretion; but assigned the command in Canada, and on the lakes, to lieutenant general Burgoyne. This officer seems to have been a favorite with the British ministry; he had performed some gallant actions in Portugal, and was distinguished as a scholar and a courtier. His abilities in his military profession had not been called in question; and his fondness for enterprise and thirst for military glory, though it might be equalled, could not be exceeded. Nothing however, had taken place in the course of his services, that could have lead the British minister to conclude that he excelled general Carleton, either in wisdom, exertion, address, or soundness of judgment.

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* Murray. Vol. II, p. 298. Smollet. Vol. V. p. 340.

The regular force allotted to this expedition, amounted to seven thousand one hundred and thirteen men, British and Germans, exclusive of the corps of artillery; of these, the Germans, consisting mostly of the Brunswick troops, amounted to three thousand two hundred and seventeen. Large additions were expected from the Canadians and Indians; and arms and accoutrements were provided in great quantities to supply the royalists, who were expected to join the British troops in large numbers, as soon as their army should have advanced within the frontiers of the United States. An excellent and compleat train of brass artillery was furnished for the campaign; and it was said by the British, that a more compleat body of officers and men had never been seen in any army not more numerous than this. In the execution of the proposed operations, Burgoyne was to be assisted by several of the most able and excellent officers, who were then on the stage. Among these were major general Phillips, of the artillery, who had acquired much honor, by his conduct under prince Ferdinand, in Germany. He had the brigadier generals Frazier, Powel, and Hamilton; all of them officers who had distinguished themselves by former services; and with the Brunswick troops, major general Reidesel, and brigadier general Specht. The army in every respect, was in the best condition that could be expected or desired; the troops, in the style of the army, were in high spirits, admirably disciplined, and uncommonly healthy.

To favor the operations of the commander in chief, an expedition was projected on the

Mohawk river, by way of Oswego; the command of which was given to colonel St. Ledger. The troops designed for this expedition, amounted to about eight hundred men. Two hundred and twenty, were drawn from the eighth and thirty fourth British regiments; a regiment raised in New York, under the command of sir John Johnson, formed chiefly from the settlers in his own vicinity on Mohawk river; some Hanauchassours, a company of Canadians, and another of newly raised rangers. These were to be joined by a large body of Indians, to be collected and conducted by sir John Johnson; the whole to be under the command of the British colonel St. Ledger. The regular force that was to be left in Canada, including the highland emigrants, consisted of three thousand seven hundred men; these were designed for the protection and defence of that province, and were under the command of sir Guy Carleton.

THE main army, under general Burgoyne, embarked at St. Johns, and proceeded up lake Champlain without any interruption; and soon arrived and encamped at the river Boquet, on the west side of the lake, and a little to the northward of Crown Point; at the place now called Willsborough. There the Indians had also assembled, and general Burgoyne in conformity to their customs, gave them a war feast. On June the twenty first, he made a speech, addressed to their chiefs and warriors, designed to excite their savage ardor in the British cause, and to give a direction to their cruelty and barbarity. He urged them to impetuosity in battle, but enjoined them not to kill any but those who were opposed to them in arms; that old men, women, children and prisoners, should be spared from the knife and hatchet, even in the midst of action; that they should only scalp those who were killed by their fire in fair opposition; but that under no pretence whatever, should they scalp the wounded, or even dying, and much less kill any in that condition. A handsome compensation was promised, for all prisoners they should bring in; but if instead of this they brought in their scalps, they were to be called to account.* The British general could not be so unacquainted with the established customs and habits of the Indians, as to expect that an elegant speech would have any considerable effect upon them; still it might be useful to their cause, as it bore the appearance of humanity, and might tend to abate the reproaches with which their conduct was loaded in every part of Europe, for calling forth the savage barbarities at all into the contest.

WITH regard to the Americans, the command in the northern department, had been assigned to major general Schuyler. It was foreseen that the contest would be carried on in the northern and western parts of the state of New York; and it was supposed that he was the only man, who would have influence enough to keep the inhabitants in those parts of the state, united against the enemy. Four days before Burgoyne made his speech to the Indians, Schuyler arrived at Ticonderoga, but did not find either the garrison or the works, in so respectable a condition as he expected. Most of the recruits which had been ordered to that place, had not arrived; but little had been done to repair or strengthen the fortifications; and general St. Clair, who had commanded, had not, and did not dare to call in large numbers of the militia, for fear his provisions should fail before the arrival of a supply. Having inspected the works, Schuyler left the command with St. Clair, and returned to fort Edward as a more central situation.

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* Appendix, No. II.

ON, the fourth of July, Burgoyne issued out a proclamation, designed to spread terror among the Americans; and affright those who were active in the support of their cause and arms. The number, power, and cruelty of the Indians, was represented as extremely formidable and threatning; and their eagerness to be let loose on their prey, was described with uncommon energy. The accumulation of British power. which was now displayed by land and by sea, was declared to be ready to embrace or to crush every part of America. The rebellion in the colonies, and the conduct of their present rulers, were painted in the most disgusting and awful colors; and their leaders were charged with repeated acts of the most unparalleled injustice, persecution, and tyranny. Encouragement and employment were offered to those who should assist the British king, in redeeming the colonies from the oppressions of Congress, and restoring them to the blessings of British liberty and government. Protection and security, but clogged with conditions, restricted by circumstances, and not very explicitly expressed, were held out to the peaceable and industrious, who should remain in their habitations. And all the calamities and horrors of war were denounced to those who should any longer dare to persevere in their hostility to the British king and army.* Nothing had ever appeared in America, in a style so affectedly pompous, tumid, and bombastic. Instead of producing the desired effect, and frightening the people into submission, the proclamation was every where the subject of derision and ridicule; and treated as the production of ostentatious vanity, insolence, and folly, not at all calculated to operate on the hopes or the fears of the people of the United States.†

Having finished the business of speeches and proclamations, the British general was employed in more formidable operations. After a short stay at Crown Point for the establishment of magazines, an hospital, and other necessary services, Burgoyne moved on with his army to Ticonderoga. The state of the American forts and garrison at that place did not promise a very long or vigorous defence. The old French lines had indeed been strengthened with additional works, and a block house. On the left towards lake George, other posts, with batteries, and block houses had been erected; and to the right of the French lines, two new block houses, and other works, had been added. On the eastern shore of the inlet, and opposite to Ticonderoga, the Americans had taken still more pains in fortifying a high circular hill, to which they had given the name of Mount Independence. On the summit of this hill they had erected a star fort, enclosing a large square of barracks, well fortified and surrounded with artillery. The foot of the mountain, which on the west side projected into the water, was strongly entrenched to its edge, and the entrenchment was well lined with heavy artillery; and a battery about half way up the mount, sustained and covered these lower works. These two posts were joined by a bridge of communication thrown over the inlet. This bridge of communication was supported by twenty two sunk piers of very large timber, placed nearly at equal distances; the spaces between these were filled with separate floats, each about fifty feet long, and twelve wide, strongly fastened together with chains and rivets, and as strongly connected with the sunken pillars. The side of the bridge next to lake Champlain, was defended by a boom of very large pieces of timber, fastened together by rivitted bolts and double chains, made of iron an inch and a half square. By this work a communication was not only maintained between the two posts, but all access by water was totally cut off from the northern side;* but this arduous work for obstructing the navigation was not compleated.

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* Appendix. No. III.
† Appendix No. IV.

But notwithstanding the apparent strength of Ticonderoga, it was effectually overlooked and commanded by a neighboring eminence called Sugar Hill, to which the Americans had given the name of Mount Defiance. This mountain by its height and proximity had such an entire command both of Ticonderoga and Mount Independence, that an enemy might from thence have counted the numbers, and enfiladed every part of the works, in either of those places. This circumstance was well known to the American officers, and they had a consultation about fortifying this mountain; but it was declined because their works were already so extensive, that with the addition of what would be proper on Sugar Hill, they would require ten or twelve thousand men for their defence; a greater number than could be spared for that purpose. But the greatest difficulty that attended the defence of the place, was the smallness of the garrison. Instead of a full compliment of troops to man the extensive lines and defend the numerous works, the whole force which St. Clair had, consisted only of two thousand five hundred and forty six continental troops; aided by nine hundred militia, badly equipped, worse armed, and most of them without bayonets. St. Clair was in hopes that Burgoyne's impetuosity would have led him to make a sudden assault upon the place, which he expected to repel with success; but as soon as he was informed of the numbers in his army, and that a regular siege was intended, he was convinced that an effectual defence could not be made by his troops.

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* Murray, Vol. 2, p. 306.

The royal army advanced with great celerity, but with much caution and order on both sides of the lake; the naval force keeping its station in the center, the frigates and gun boats cast anchor just out of cannon shot from the American works. On the near approach of the right wing of the British army on the Ticonderoga side, on the second of July, the Americans abandoned and set fire to their works, block houses, and saw mills, towards lake George; and without making any opposition, permitted general Phillips to take possession of Mount Hope. This post commanded the American lines in a great degree, and cut off their communication with lake George. The Americans on this occasion were charged with supineness, and want of vigor. Their inactivity arose not from want of courage or incapacity, but from imbecility; they had not men enough to make any effectual opposition to the powerful force, with which they were surrounded.

In the mean time, the royal army proceeded with such expedition in the construction of their works, the bringing up of artillery, stores, and provisions, and the establishment of posts and communications, that by the fifth, matters were so far advanced as to require but one or two days more completely to invest the posts on both sides of the lake. Sugar Hill had also been examined, and the advantages which it presented were so important that it had been resolved to take possession, and erect a battery there. This work, though attended with extreme labor and difficulty, had been carried on by general Phillips, with much expedition and success. A road had been made through a very rough ground, to the top of the mount; and the British were at work in constructing a level for a battery, and transporting their artillery. As soon as this battery should be ready to play, the American works would have been completely invested on every side.

In these circumstances a council of war was called by St. Clair. He was convinced that it was absolutely necessary to evacuate the place. The council were informed that their whole effective number was not sufficient to man one half of the works; that as the whole must be constantly upon duty, it would be impossible for them to support the fatigue for any considerable length of time; that general Schuyler, who was at fort Edward, had not sufficient force to relieve the garrison; and that as the enemies batteries were nearly ready to open, and the place would be completely invested in twenty four hours, nothing could save the troops but an immediate evacuation of the posts. The general's representation was admitted to be correct, and it was unanimously agreed by the council to evacuate the place that night. It was proposed that the baggage of the army, with such artillery, stores and provisions, as the necessity of the occasion would admit, should be embarked with a strong detachment, on board two hundred batteaux, and dispatched under convoy of five armed gallies, up the south river to Skeensborough; and that the main body of the army should proceed by land, taking its route on the road to Castleton, which was about thirty miles to the south of Ticonderoga; and join the boats and gallies at Skeensborough falls. It was thought necessary to keep the matter a secret, till the time should arrive when it was to be executed. Hence the necessary preparations could not be made, and it was not possible to prevent irregularity and disorder in the different embarkations and movements of the troops.

About two o'clock in the morning of July the sixth, St. Clair left Ticonderoga; and about three, the troops from mount Independence, were put in motion. A French officer, M. Fermoy, contrary to orders, set fire to his house, and the whole mount was soon enlightened by it. This event afforded compleat information to the enemy, of what was going forward; and enabled them to see every movement of the Americans; at the same time it impressed the latter with such an idea of discovery and danger, as precipitated them into great disorder and confusion, many pushing off without much regard to discipline or regularity. About four o'clock, colonel Francis, a Massachusetts officer, brought off the rear guard in good order, and conducted their retreat in a regular manner; and soon after some of the other regiments, through the exertions of their officers, recovered from their confusion. When the troops arrived at Hubbardton, they were halted for nearly two hours; and the rear guard was increased by many who did not at first belong to it, but were picked up on the road, having been unable to keep pace with their regiments. The rear guard was here put under the command of colonel Seth Warner, with orders to follow the army as soon as the whole came up, and to halt about a mile and a half short of the main body. The army then proceeded to Castleton, about six miles further; colonel Warner, with the rear guard and stragglers, remaining at Hubbardton.

The retreat of the Americans from Ticonderoga was no sooner perceived by the British, than brigadier general Frazier began an eager pursuit of their main body, with his brigade; consisting of the light troops, grenadiers, and some other corps. Major general Reidesel was also ordered to join in the pursuit, with the greater part of the Brunswick troops, either to support Frazier, or to act separately, as occasions and circumstances might require. Frazier continued the pursuit through the day, and having received intelligence that the rear of the American army was at no great distance, ordered his troops to lie that night upon their arms. On July the seventh, at five in the morning, he came up with the Americans. Warner commanded, and had with him besides his own regiment, the regiments of colonels Francis and Hale. The British advanced boldly to the attack, and the two bodies formed within about sixty yards of each other. Frazier began the attack about seven o'clock, expecting every moment to be joined by Reidesel. Hale, being aware of the danger, never brought his regiment to the charge, but retired; and Warner was left to support the battle, with about seven or eight hundred men. The conflict was fierce and bloody. Francis fell at the head of his regiment, fighting with great resolution and bravery. Warner was well supported by his officers and men, and behaved with the most spirited resolution and gallantry; and so impetuous was his attack, that the British troops broke and gave way. They soon however recovered from their disorder, formed again, and advanced upon the Americans with their bayonets; when they, in their turn, were put into disorder; and the event of the battle was critical and dubious. At that moment, Reidesel appeared, with the advanced party of his column. It consisted of the chassieur company, and eighty grenadiers and light infantry, who were immediately led into action. The fortune of the day was soon decided; the Americans fled in every direction; but Warner, preserving his intrepidity and resolution, kept up the spirits of his men, collected most of them together, and conducted them safe to the American army at fort Edward. General St. Clair was about six miles distant, when the firing began, but no assistance was sent on to Warner. The loss in this action was very considerable on the American side. Hale, who attempted to escape by flight, fell in with an inconsiderable party of British, and surrendered himself and a number of his men, prisoners of *war*. In killed, wounded, and prisoners, the Americans lost in this action, three hundred and twenty four; and the royal troops, including British and Germans, had not less than one hundred and eighty three, killed and wounded.*

CONFIDING in Frazier, to conduct the pursuit of the Americans by land, general Burgoyne undertook himself to direct the chase by water. The boom and other obstructions to navigation not being compleated, were soon cut through; and so engaged were the British in this business, that by nine o'clock in the morning, the gun boats, the Royal George, and Inflexible frigates had passed the works. Several regiments embarked aboard the vessels, and the pursuit was pushed with such vigor, that by three in the afternoon, the foremost brigade of gun boats was engaged with the American gallies, near Skeensborough falls. Upon the approach of the frigates, opposition ceased; two of the gallies were taken, and the other three blown up. The Americans not being in sufficient force to make an effectual stand, set fire to the works, fort, mills, and batteaux; and escaped as they could, up Wood Creek, to fort Anne, where they were joined by a detachment which had been sent on by Schuyler from fort Edward. In the mean time, colonel Hill was detached by Burgoyne, with the ninth British regiment from Skeensborough, towards fort Anne, with a view to intercept the Americans who had fled along Wood Creek, and to secure that post. On his march he was attacked by the Americans in front, with a heavy and well directed fire; while another party was preparing to fall upon his rear. Colonel Hill, aware of his danger, retired to the top of a hill to prevent being surrounded, and in this situation was vigorously attacked by such numbers that he was in extreme danger of being cut to pieces. Fortunately for him, a party of Indians arrived at that critical moment, and gave the war whoop; which was immediately answered on the part of the British regiment with three cheers. The Americans concluded that a large reinforcement was at hand, and soon relinquished the attack; and having set fire to fort Anne, they marched on and joined the American army at fort Edward.

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* Gordon. Vol. II, p. 208.

The loss sustained by the Americans in their retreat from Ticonderoga, was very heavy. Their artillery amounting to no less than one hundred and twenty eight pieces, their batteams, provisions, stores, and magazines, fell into the enemy's hands. Burgoyne found 840,760 pounds of flour, and 143,830 pounds of salt provisions in their stores; and a large drove of cattle, which had arrived in the American camp, but a few days before. Their troops were scattered and dispersed; and St. Clair, retreating by the road through Rutland, after a very fatiguing march, in which the army suffered severely from bad weather, roads, and want of provisions, with the remains of his broken troops joined Schuyler on the twelfth of July, in a reduced and wretched state.

The whole continent was astonished and alarmed with this event. General Washington had been led to believe that the northern army and forts were in such a situation, that at least a very vigorous defence might be made. The New England States, contrary to all their prospects and expectations, found the British forces making their way into their country, where they had apprehended but little danger. The voice of complaint and clamor was loud against general St. Clair. He justified himself on the score of not being supplied with the necessary number of men, or the requisite quantity of provisions. He had certainly reason for these complaints, and he was not in a situation in which there was any prospect that he could make a long or a successful defence. It will however be difficult to account for his not calling for the necessary supplies, till the enemy arrived; and it must be allowed that the evacuation of the forts, if necessary, was very improperly delayed till the last moment, and was then very ill conducted. No measures of the enemy had been foreseen, or properly guarded against; every part of St. Clair's plans proved abortive, and he had not the genius which finds relief in instantaneous resource, decisive counsel, or animating action; and the retreat, both by water and by land, proved ruinous to the Americans, and contrary to the expectations of the general. It ought however to be allowed that his own observation on the matter was just; it was better to save the army and loose his own character, than it would have been to have saved his character and lost the army. The misfortune was, that in the manner in which the business was conducted, both the army and the general's character, if they were not lost, did at least suffer severely, and were greatly impaired and injured.

When St. Clair had joined Schuyler at fort Edward, and for three days after, their whole force did not exceed four thousand and four hundred men. In this state of their affairs, the business of the American generals was to contrive to retard the march of the British army as much as possible; in order to gain time to collect their troops, and recover their affairs. For this purpose, the day after the action at fort Anne, Schuyler ordered a brigade of militia to destroy the roads; to begin the work as near as possible to the place where the fort stood, to fall the trees, take up the bridges, burn the timber and materials, and throw all the obstruction in the roads that was possible. On July the sixteenth, a brigade of continental troops was also ordered on the same business; and they labored with much industry and good success in rendering the roads impassable to the British army.

FORTUNATELY for the Americans, the royal army was intoxicated with their success. So rapid had been the torrent with which it had swept every thing away, that both officers and men, elevated with their fortune, deemed their wisdom and prowess to be irresistible. They regarded the Americans, and the rebellion, with contempt; considered their own toils as nearly at an end, Albany as already in their hands, and the northern provinces in the state in which the British minister declared he would have them all, *at his feet*. Like Hannibal at Capua, Burgoyne was deliberating with himself, what fate he should assign to the conquered country; and even the private soldiers, in the certain view of conquest, began to feel the comforts of royal insolence, plunder, and revenge.

SURE of conquest, Burgoyne continued with his army for several days at Skeensborough, and the adjacent parts of the country; waiting for the submission of the inhabitants, and the arrival of their own tents, baggage and provisions. The loss of the British army, in all the engagements that had as yet taken place, was but small, and did not amount to more than three hundred men; and nothing appeared to prevent their success as soon as their artillery and baggage should arrive, and their march commence. Their first business was to open the roads by the way of fort Anne, and advance on that route to fort Edward. On these labors their army entered with a slow, but steady diligence. Equal industry was used in clearing Wood

Creek of all the impediments that had been laid in the way, and to open a passage for batteaux to carry their artillery, stores, provisions, and camp equipage. Nor was less diligence used at Ticonderoga, in bringing their gun boats, provisions, and vessels into lake George. The distance from fort Anne, where the batteau navigation on Wood Creek terminates, to fort Edward, is not more than twelve miles. But such were the obstructions that the Americans had made in the roads, and such was the labor and difficulty of repairing the ways, making bridges, and transporting the artillery and baggage, that the British were very often unable to advance more than one mile in twenty four hours; and the nature of this kind of business was such, as they were very little acquainted with. It was not till the thirtieth of July, that Burgoyne was able to arrive at Hudson's river, and fix his head quarters at fort Edward. On their arrival at Hudson's river, the joy of the British army was inexpressible. They flattered themselves that a period was now come, to all their dangers and difficulties; and that nothing remained but a safe and easy march, on a pleasant, navigable river, through a fertile country, to take possession of the wealthy city of Albany, and effect a junction with the British army at New York.

FORT Edward at that time was nothing more than the ruins of the former fort, which had been built by general Lyman, in the year 1755, and was not of any consequence to any party. It could not afford any defence or cover to general Schuyler, and had been abandoned by him, several days before Burgoyne arrived in the vicinity.

Schuyler repaired to Saratoga, twenty miles below fort Edward; and on August the first he drew back from Saratoga to Stillwater, but twenty five miles north of Albany. And such was the weakness of the American army, that on August the fourth it contained but four thousand continental troops, and about fifteen hundred militia, badly clothed, armed and disciplined. And had Burgoyne, instead of wasting his time and strength in dragging on his heavy baggage and artillery, moved on with a few light field pieces, he could have met with no considerable opposition, and might have arrived at Albany at as early a period as he came to Hudson's river.*

THE rapid progress of the British army, and the success that had attended all its movements, had now thoroughly alarmed the whole continent; and it was every where known that Schuyler, and the troops which he could collect, were altogether unable to stop their progress, or to make any considerable opposition; and that there was nothing to prevent the capture of Albany, as soon as Burgoyne should arrive with his army before it. In this alarming crisis, the Americans acted like themselves, with firmness and resolution. No man was heard to speak of any such thing as submission to the British government. The public sentiment was decidedly on the side of a determined and persevering war, till their Independence should be acknowledged, whatever risk, danger, or losses might attend it. And all the misfortunes and defeats they had hitherto endured, instead of producing the spirit of despondency, now operated to rouse up the public attention, and to produce more vigorous efforts for opposition and defence.

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* Gordon, Vol. II. p. 111, 112.

The northern settlements in Vermont, were already broken up, and the inhabitants, in distress and consternation, were looking out for safety, wherever they could find it; Manchester and Sunderland were now considered as the frontier towns. The committee of safety for Vermont, assembled at Manchester, July the fifteenth, and agreed to raise all the men that they could collect to oppose the enemy; and at the same time, wrote in the most earnest manner, to the states of Massachusetts and New Hampshire, to raise a body of troops, and send them on for their assistance, before the remainder of the inhabitants should be forced to quit the state, and fall back upon their frontiers for safety and bread.

In a short session of three days, the assembly of New Hampshire formed a very judicious plan of defence. They divided the whole militia of the state into two brigades; the command of the first they gave to William Whipple, the command of the second they assigned to John Stark. One fourth of Stark's brigade, and one fourth of three regiments of the other brigade, were ordered to march immediately under Stark's command, "to stop the progress of the enemy on our western frontiers." Stark had been an officer of much reputation in the French war; he had commanded one of the ranging companies, and had been so active and useful, that Lord Loudon had put him upon the British establishment and pay. In the campaign of 1775, he had the command of one of the New Hampshire regiments; and no officer had displayed more knowledge or bravery in the battle of Bunker hill. Viewing himself as neglected and dishonored by Congress, in not being promoted to the rank of brigadier general, he had left the continental service. When he was urged by the government of New Hampshire to take the command of their militia, he refused, unless he should be left at liberty to serve or not, under a continental officer, as he should judge proper. It was not a time for debate, and it was known that the militia would follow wherever Stark would lead. The assembly therefore invested him with a separate command, and gave him orders to "repair to Charlestown on Connecticut river; there to consult with a committee 'of the New Hampshire grants, respecting his 'future operations and the supply of his men 'with provisions; to take the command of the 'militia and march into the grants; to act in 'conjunction with the troops of that new State, 'or any other of the States, or of the United 'States, or separately, as it should appear expedient to him; for the protection of the people and the annoyance of the enemy."*

AGREEABLY to his orders, Stark proceeded in a few days to Charlestown; his men very readily followed, and as fast as they arrived, he sent them forward to join the troops of Vermont under colonel Warner, who had taken his situation at Manchester. At that place he joined Warner with about eight hundred men from New Hampshire, and found another body of men from Vermont, who put themselves under his command; and he was at the head of fourteen hundred men. Most of them had been in the two former campaigns, and well officered; and were in every respect a body of very good troops. Schuyler repeatedly urged Stark to join the troops under his command, but he declined complying. He was led to this conduct not only by the reasons which have been mentioned, but by a difference of opinion as to the best method of opposing Burgoyne. Schuyler wished to collect all the American troops in the front, to prevent Burgoyne from marching on to Albany. Stark was of opinion that the surest way to check Burgoyne, was to have a body of men on his rear; ready to fall upon him in that quarter, whenever a favorable opportunity should present. The New England militia had not formed a high opinion of Schuyler, as a general; and Stark meant to keep himself in a situation, in which he might embrace any favorable opportunity for action, either in conjunction with him, or otherwise; and with that view intended to hang on the rear of the British troops, and embrace the first opportunity which should present, to make an attack upon that quarter. Disappointed and vexed at Stark's proceedings, Schuyler complained to Congress; and on August the nineteenth, Congress resolved, "That 'the council of New Hampshire be informed, 'that the instructions which general Stark says 'he has received from them, are destructive of 'military subordination, and highly prejudicial 'to the common cause at this crisis: and that 'therefore they be desired to instruct general

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* Belknap's Hist. New Hampshire, Vol. II, p. 413.

'Stark to conform himself to the same rules 'which other general officers of the militia are 'subject to, whenever they are called out at the 'expence of the United States." But Stark, before any interference of Congress, had assured Schuyler that he would join in any measures necessary to promote the public good, but wished to avoid any thing that was not consistent with his own honor; and if it was thought necessary, he would march to his camp. On the thirteenth he wrote particularly that he would lay aside all private resentment, when it appeared in opposition to the public good. But in the midst of these protestations, he was watching for an opportunity to discover his courage and patriotism, by falling upon some part of Burgoyne's army.

MASSACHUSETTS was also much engaged in sending forward her militia to the northward. General Washington perceived that a proper officer must be appointed to take the command of the eastern militia, and wisely judged that general Lincoln would prove an able and influential commander; and sent him forward for that purpose. Lincoln arrived at Manchester on the second of August, and found about six hundred militia in that place. He wrote to the council of Massachusetts that a body of troops in that place would not only cover the eastern states, but being in the rear of Burgoyne's army, would greatly weaken it, by obliging him to leave large detachments at the different posts that he possessed. Schuyler, attentive only to the front of the British army, wrote to Lincoln on the fourth of August, to march his whole force, except Warner's regiment, and join him with all possible dispatch. Stark had also concluded to march from Bennington, to which place he had repaired, and meet Lincoln at an appointed place, and proceed with him, and join Schuyler. General Arnold had also been sent on by Washington with a considerable detachment and train of artillery to assist Schuyler. These exertions and movements of the Americans served to encourage their troops, and raised the spirit of animation and enterprise. Another measure had also much influence: Congress had desired general Washington to order such a general as he should think the most proper, to repair immediately to the northern department, and relieve general Schuyler in his command there. Washington declining to make the appointment, on August the fourth, they proceeded to make the appointment themselves; and by the vote of eleven states, the election fell on general Gates. The New England troops and people were not a little gratified and encouraged, by this measure of Congress.

WHILE the American army was thus assuming a more respectable appearance, general Burgoyne was making very slow advances towards Albany. From the twenty eighth of July to the fifteenth of August, the British army was continually employed in bringing forward batteaux, provisions, and ammunition, from fort George, to the first navigable part of Hudson's river; a distance of not more than eighteen miles. The labor was excessive, the Europeans were but little acquainted with the methods of performing it to advantage, and the effect was in no degree equivalent to the expence of labor and time. With all the efforts that Burgoyne could make, encumbered with his artillery and baggage, his labors were inadequate to the purpose of supplying the army with provisions for its daily consumption, and the establishment of the necessary magazines. And after his utmost exertions for fifteen days, there were not above four days provisions in the store, nor above ten batteaux in Hudson's river.

IN such circumstances the British general found that it would be impossible to procure sufficient supplies of provisions by the way of fort George, and determined to replenish his own magazines at the expence of those of the Americans. Having received information that a large quantity of stores were laid up at Bennington, and guarded only by the militia, he formed the design of surprising that place; and was made to believe that as soon as a detachment of the royal army should appear in that quarter, it would receive effectual assistance from a large body of loyalists, who only waited for the appearance of a support, and would in that event come forward and aid the royal cause. Full of these expectations, he detached colonel Baum, a German officer, with a select body of troops, to surprise the place. His force consisted of about five hundred regular troops, some Canadians, and more than one hundred Indians, with two light pieces of artillery. To facilitate their operations, and to be ready to take advantage of the success of the detachment, the royal army moved along the east bank of Hudson's river, and encamped nearly opposite to Saratoga;

having at the same time thrown a bridge of rafts over the river, by which the army passed to that place. With a view to support Baum if it should be found necessary, lieutenant colonel Breyman's corps, consisting of the Brunswick grenadiers, light infantry and chassieurs, were posted at Battenkill.

General Stark having received information that a party of Indians were at Cambridge, sent lieutenant colonel Greg, on August the thirteenth, with a party of two hundred men, to stop their progress. Towards night he was informed by express that a large body of regulars was in the rear of the Indians, and advancing towards Bennington. On this intelligence, Stark drew together his brigade, and the militia that were at hand, and sent on to Manchester to colonel Warner, to bring on his regiment; he sent expresses at the same time to the neighboring militia, to join him with the utmost speed. On the morning of the fourteenth he marched with his troops, and at the distance of seven miles he met Greg on the retreat, and the enemy within a mile of him. Stark drew up his troops in order of battle; but the enemy coming in sight, halted upon a very advantageous piece of ground. Baum perceived the Americans were too strong to be attacked with his present force, and sent an express to Burgoyne with an account of his situation, and to have Breyman march immediately to support him. In the mean time small parties of the Americans kept up a skirmish with the enemy, killed and wounded thirty of them, with two of their Indian chiefs, without any loss to themselves. The ground the Americans had taken, was unfavorable for a general action, and Stark retreated about a mile and encamped. A council of war was held, and it was agreed to send two detachments upon the enemy's rear, while the rest of the troops should make an attack upon their front. The next day the weather was rainy, and though it prevented a general action, there were frequent skirmishings in small parties, which proved favorable and encouraging to the Americans.

On August the sixteenth, in the morning, Stark was joined by colonel Symonds and a body of militia from Berkshire, and proceeded to attack the enemy, agreeably to the plan which had been concerted. Colonel Baum in the mean time had entrenched, on an advantageous piece of ground near St. Koicks mills, on a branch of Hoosic river; and rendered his post as strong as his circumstances and situation would admit. Colonel Nichols was detached with two hundred men to the rear of his left, colonel Herrick, with three hundred men to the rear of his right; both were to join, and then make the attack. Colonels Hubbard and Stickney, with two hundred more were ordered on the right, and one hundred were advanced towards the front to draw the attention of the enemy that way. About three o'clock in the afternoon the troops had taken their situation, and were ready to commence the action. While Nichols and Herrick were bringing their troops together, the Indians were alarmed at the prospect, and pushed off between the two corps; but received a fire as they were passing, by which three of them were killed, and two wounded. Nichols then began the attack, and was followed by all the other divisions; those in the front immediately advanced, and in a few minutes the action became general. It lasted about two hours, and was like one continued peal of thunder. Baum made a brave defence; and the German dragoons, after they had expended their ammunition, led by their colonel, charged with their swords, but they were soon overpowered. Their works were carried on all sides, their two pieces of cannon were taken, colonel Baum himself was mortally wounded and taken prisoner, and all his men, except a few who had escaped into the woods, were either killed or taken prisoners. Having compleated the business by taking the whole party, the militia began to disperse, and look out for plunder. But in a few minutes Stark received information that a large reinforcement was on their march, and within two miles of him. Fortunately at that moment colonel Warner came up with his regiment from Manchester. This brave and experienced officer commanded a regiment of continental troops, which had been raised in Vermont. Mortified that he had not been in the former engagement, he instantly led on his men against Breyman, and began the second engagement. Stark collected the militia as soon as possible, and pushed on to his assistance. The action became general, and the battle continued obstinate on both sides till sunset, when the Germans were forced to give way, and were pursued till dark. They left their two field pieces behind, and a considerable number were made prisoners. They retreated in the best manner they could, improving the advantages of the evening and night, to which alone their escape was ascribed.*

In these actions the Americans took four brass field pieces, twelve brass drums, two hundred and fifty dragoon swords, four ammunition waggons, and about seven hundred prisoners, with their arms and accoutrements. Two hundred and seven men were found dead upon the spot, the numbers of wounded were unknown. The loss of the Americans was but small; thirty were slain, and about forty were wounded. Stark was not a little pleased to have so fair an opportunity to vindicate his own conduct in refusing to serve under a continental commander, and not obeying the orders of Schuyler. He had now shown that no neglect from Congress had made him disaffected to the American cause, and that he had rendered a much more important service than he could have done by joining Schuyler, and remaining inactive in his camp. Congress embraced the opportunity to assign to him his rank, and though he had not given to them any account of his victory, or wrote to them at all upon the subject, on October the fourth, they resolved, "That the
'thanks of Congress be presented to general
'Stark of the New Hampshire militia, and the
'officers and troops under his command, for
'their brave and successful attack upon, and
'signal victory over the enemy in their lines at
'Bennington: and that brigadier Stark be ap-

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* Gordon. Vol. II, p. 243. Stark's letter to general Gates of August 22, 1777.

'pointed a brigadier general in the army of the 'United States." And never were thanks more deserved, or more wisely given to a military officer.

On what small events does the popular humour and military success depend? The capture of one thousand Germans by general Washington at Trenton, had served to wake up, and save the whole continent. The exploit of Stark at Bennington, operated with the same kind of influence, and produced a similar effect. This victory was the first event that had proved encouraging to the Americans in the northern department, since the death of general Montgomery. Misfortune had succeeded misfortune, and defeat had followed defeat from that period till now. The present instance was the first, in which victory had quitted the royal standard, or seemed even to be wavering. She was now found with the American arms, and the effect seemed in fact to be greater than the cause. It raised the spirit of the country to an uncommon degree of animation; and by shewing the militia what they could perform, rendered them willing and desirous to turn out and try what fortunes would await their exertions. It had a still greater effect on the royal army. The British generals were surprised to hear that an enemy, whom they had contemplated with no other feelings than those of contempt, should all at once wake up, and discover much of the spirit of heroism. To advance upon the mouth of cannon, to attack fortified lines, to carry strong entrenchments, were exploits which they supposed belonged exclusively to the armies of kings. To see a body of American militia, ill dressed, but little disciplined, without cannon, armed only with farmer's guns, without bayonets, and who had been accustomed to fly at their approach; that such men should force the entrenchments, capture the cannon, kill and make prisoners of a large body of the royal army, was a matter of indignation, astonishment, and surprise. In this state and feeling of both parties, general Gates, to the great joy of the Americans, arrived at Stillwater, on August the nineteenth, and took the command of the American troops. General Schuyler had been faithful and indefatigable in his attention to the Indian affairs, in preserving the attachment of the people to the American cause, in procuring stores, supplies, and recruits; and in a discreet management of economical, prudential, and cautionary arrangements. Such services, though not marked with brilliancy, were of great use and importance. Still it was necessary to have an officer of much experience, at the head of the northern army; and although the services of Schuyler were duly appreciated, it was not displeasing to the American troops to have Gates placed at their head.

Not at Still-water.

THE royal army, after their misfortune at Bennington, remained quiet in their camp opposite to Saratoga, expecting the approach of colonel St. Ledger on the Mohawk river. This officer had been detached early in the campaign, to make a diversion in that quarter. After combatting many difficulties, he invested fort Stanwix, now called fort Schuyler, on the third of August. The fort was too weak to hold out any considerable time against a regular siege, and it was necessary to attempt an immediate relief. General Herkimer, a man of much influence in Tryon county, marched to its relief with eight hundred militia. St. Ledger had with him seven hundred Indian warriors, with their wives and children, and others; amounting in the whole, to nearly fourteen hundred persons. Sir John Johnson was detached with some regulars, his own regiment, and all the Indians, to lie in ambush in the woods, and intercept the militia. Herkimer fell into the snare, and was surprised, August the sixth; but his men at their first fire killed several of the Indian chiefs. Discipline and order in Johnson's army was soon lost, and a scene of confusion ensued which exceeded any thing the Indians had ever seen. The white people, consisting of the militia, and Johnson's tory troops, made up of former neighbors and acquaintances, inflamed with mutual hatred, got together in parties of twenty or thirty, so near that they could not fire; pulled, hauled, drew their knives, and stabbed each other. The Indians alarmed with their own loss, became suspicious both of Johnson's and Herkimer's men; and at length by the advice of some of their chiefs went to work to butcher all the white people they could find. In the midst of this scene of butchery and slaughter, two hundred and fifty men under the command of lieutenant colonel Willet, sallied out from the fort, and routed two of the Indian and tory encampments; destroying their provisions, kettles, blankets, cloathing, muskets, tomahawks, and five pair of colors. During the confusion, the most of the militia escaped; the slaughter however was great on both sides; one hundred and sixty of the militia were slain, and several wounded; among the slain was the brave but unfortunate Herkimer. But though unfortunate to the Americans, the battle was the most discouraging and irritating to the Indians. Seventy of their number were slain or wounded, and among these were several of their most famous warriors; the loss of so many of their favorite chiefs, rendered the whole body of the Indians jealous, surly, and wavering.

St. Ledger left no means untried to avail himself of this victory. On the eighth of August he sent a threatning message to the commander of the fort to intimidate him to surrender. The next day he tried the same scheme again. Colonel Gansevoort, the commander, conducted with wisdom and firmness, and returned as his answer, "That having been entrusted with the charge of that garrison by the United States, he would defend the trust committed to him at every hazard, and to the utmost extremity." In order to rouse up the country for their relief, colonel Willet and a lieutenant Stockwell undertook one of the most dangerous enterprises that ever was attempted. They passed by night through the besieger's camp and works, crawling upon their bellies for near half a mile, till they reached the Mohawk river. In contempt of every danger, and of all the vigilance and cruelty of the savages, they made their way through pathless woods and morasses, till they arrived safely at the German flats; and alarmed the country, with an account of the state and danger of the fort. The information was conveyed to Schuyler, who at that time had the command of the American troops; he immediately ordered a continental brigade to march for the relief of Gansevoort: Arnold offered to take the command in this dangerous enterprise, and set out to conduct the military operations which were designed for the relief of fort Stanwix.

The British commander made but little progress in the reduction of the place. His artillery was not sufficient to make any considerable impression on the work. The Indians, disgusted with their late losses, were full of murmurs, became more and more sullen, and intractable. They were also complaining that they had not received any plunder, and were become suspicious that the fort would not be taken, or any plunder to be had. The intelligence had also gotten among them, that Arnold was marching to relieve the fort, at the head of a thousand men. St. Ledger had now to devote his time, and make use of all his arts to manage, flatter, and animate his Indian allies. While he was thus employed in watching and coaxing the Indian humor and surliness, other reports were contrived and circulated, which first doubled, and then trebled the numbers under Arnold; with this additional stroke that Burgoyne's army had been entirely defeated and cut to pieces. Under Arnold's direction, some of the Indians made, and all believed these relations; the Indian camp was thoroughly frightened, and the savage heroes determined to go off. In vain did St. Ledger declare to them, that there was no truth in the reports; and in vain did he offer to lead them forward himself; and in vain were his endeavors to influence and intoxicate them with rum. They understood their business better than to be convinced; part of them decamped, and the remainder let him know in the phlegmatic Indian tone, that they would abandon him to the American mercies if he did not instantly retreat. Mortified, irritated, but disarmed by the Indian policy, St Ledger found it impossible any longer to contend with the Indian genius and duplicity; and on August the twenty second, the British colonel was forced to make a precipitate retreat, or rather a shameful flight; leaving his artillery, tents, stores and other implements of war, to fall into the hands of the Americans. From his own account it appears, that St. Ledger was more apprehensive of danger from the fury of the savages, than from any thing that he expected from his American enemies. Nor were his fears without sufficient foundation, for some of the boats which belonged to his army were plundered by the Indians; officers were robbed of their baggage, and some of them who could not keep up with the rest, were murdered. And nothing less was to be expected, considering the losses the Indians had sustained, and the ill success that had attended St. Ledger's attempts to take the fort.

THE misfortunes that had attended the British affairs at Bennington, and at fort Stanwix, had not only retarded the advance of the royal army, but produced a depression in their spirits, to which they had not as yet been accustomed; and they afforded time to Gates, to strengthen and fortify his camp, encourage the militia, and gave them time to turn out in large numbers, and reinforce his army. Instead of expecting every day to hear that Albany was taken, it now began to be suspected that this might possibly be the case with Burgoyne and his army. And while the Americans were not a little encouraged with their prospects, the whole continent was irritated and inflamed that the British government and generals should so far loose sight of all humanity and civilization, as to bring the Indians into their plantations; and carry on the war, by letting them loose upon their defenceless women and children. Whatever were the orders or pretensions of the British generals, it was known that the savages could not be restrained from using the tomahawk and scalping knife, whenever it was for their interest to plunder or scalp all that should fall into their hands.

AN awful instance of this nature had taken place in Burgoyne's camp, in the case of Miss M'Rea. As history has viewed her slaughter as one of the most brutal and horrid transactions which has ever taken place, it will be but fair to take the representation from the letters that passed at that time between the American and British generals. On the thirtieth of August, general Burgoyne had occasion to write to general Gates respecting the prisoners taken at Bennington. In this letter he complained that inhumanity had been exercised towards the provincial soldiers who had joined the royal army, and hinted at retaliation. General Gates returned an answer, September the second, in which he invalidates the charge, and ascribes the most atrocious cruelties to the savages who were employed and paid by the British general, of which he gives several instances. "Nothing," says he, "happened in the action at 'Bennington but what is common, when works 'are carried by assault. That the savages of 'America should in their warfare mangle and 'scalp the unhappy prisoners who fall into their 'hands, is neither new nor extraordinary; but 'that the famous lieutenant general Burgoyne, 'in whom the fine gentleman is united with the 'soldier and scholar, should hire the savages of 'America to scalp Europeans, and the descendants of Europeans, nay more, that he should 'pay a price for each scalp so barbarously taken, 'is more than will be believed in Europe, until 'authenticated facts shall in every Gazette, confirm the truth of the horrid tale.

'Miss M'Rea, a young lady, lovely to the 'sight, of virtuous character, and amiable disposition, engaged to an officer of your army, 'was, with other women and children, taken 'out of a house near Fort Edward, carried into 'the woods, and there scalped and mangled in a 'most shocking manner. Two parents with 'their six children were all treated with the 'same inhumanity, while quietly residing in 'their once happy dwelling.

'The miserable fate of Miss M'Rea was 'particularly aggravated by her being dressed 'to receive her promised husband, but met her 'murderers employed by you. Upwards of 'one hundred men, women and children, have 'perished by the hands of the ruffians, to whom 'it is asserted, you have paid the price of blood.

He adds, "The late colonel Baum's servant, 'who is at Bennington, would have come to 'your excellency's camp; but when I offered 'him a flag, he was afraid to run the risk of 'being scalped, and declined."

General Burgoyne, on the sixth of September, made this reply: "I have hesitated, sir, 'upon answering the [charges] in your letter. 'I disdain to justify myself against the rhapsodies of fiction and calumny, which from the 'first of this contest it has been an unvaried 'American policy to propagate, but which no 'longer impose upon the world. I am induced 'to deviate from this general rule, in the present 'instance, lest my silence should be construed 'an acknowledgment of the truth of your allegations, and a pretence be thence taken for 'exercising future barbarities by the American 'troops.

'By this motive, and upon this only, I condescend to inform you that I would not be 'conscious of the acts you presume to impute 'to me, for the whole continent of America, 'though the wealth of worlds were in its bowels, 'and a paradise upon its surface.

'It has happened that all my transactions 'with the Indian nations, last year and this, 'have been clearly heard, distinctly understood, 'accurately minuted, by very numerous, and, 'in many parts, very unprejudiced persons. So 'immediately opposite to truth is your assertion, 'that I have paid a price for a scalp, that one of 'the first regulations established by me at the 'great council in May, and repeated and enforced, and invariably adhered to since, was, 'that the Indians should receive compensations 'for prisoners, because it would prevent cruelty; and that not only such compensation should be with held, but a strict account would be demanded for scalps. These pledges of conquest, for such you well know they will ever esteem them, were solemnly and peremptorily prohibited to be taken from the wounded; and even the dying, and the persons of aged men, women and children, and prisoners, were pronounced sacred even in assaults.'

'In regard to Miss M'Rea, her fall wanted not the tragic display you have labored to give it, to make it as sincerely abhorred and lamented by me, as it can be by the tenderest of her friends. The fact was no premeditated barbarity. On the contrary, two chiefs, who had brought her off for the purpose of security, not of violence to her person, disputed which should be her guard; and in a fit of savage passion in one, from whose hands she was snatched, the unhappy woman became the victim. Upon the first intelligence of this event, I obliged the Indians to deliver the murderer into my hands; and though to have punished him by our laws, or principles of justice, would have been perhaps unprecedented, he certainly should have suffered an ignominious death, had I not been convinced, from many circumstances and observation, beyond the possibility of a doubt, that a pardon under the terms which I prescribed and they accepted, would be more efficacious than an execution, to prevent similar mischiefs.

'The above instance excepted, your intelligence respecting the cruelties of the Indians, is false."

These statements of the American and British generals were published in the gazettes of those times, and they made deep impressions on the feelings of the American people. It was known to be the case that many persons had fallen victims to the Indian custom of plundering, tomahawking, and scalping. And though Burgoyne might wish to restrain, his letter was a proof that he had introduced the savages into the American plantations; and that it was not in his power to prevent them from carrying on the war agreeably to their ancient and well known customs and maxims. The political and moral effect could be no otherwise, than to render the British government and cause odious to the citizens of the United States. If defenceless women and children, if Miss M'Rea, engaged to a British officer, fell a sacrifice, to the Indian barbarity, what had the rebellious Americans to expect? and of what consequence were the speeches and orders of the British generals? While the British affect to consider, and attempt to reclaim us as subjects, said the Americans, their king and their generals are employing the Germans, the Indians, and Negroes, not barely to subdue, but to murder and exterminate us.* There can be no safety but to oppose them, and now is the time when the whole country will rise up to resist their progress and cruelty.

The American leaders were not deficient in availing themselves of every circumstance and occurrence that could be improved to animate the people, and increase their armies. The speeches in the British parliament, and the measures of general Burgoyne, had roused the resentment and indignation of the New England States, the prospect of success had increased their courage and animation; and the people were every where in motion. Finding that reinforcements were, and probably would be constantly arriving, general Lincoln determined to make a diversion in the rear of the enemy. He marched himself with the militia that had joined him, from Manchester to Pawlet. From thence, on September the thirteenth, he sent off colonel Brown with five hundred men to the landing at Lake George, to destroy the British stores, and to release the American prisoners that had been collected at that place. Colonel Johnson was despatched with the same number of men to Mount Independence. Johnson was to amuse and alarm the enemy at the north end of Lake George, while Brown was executing the business at the south end: If circumstances and opportunity favored, they were to join their troops, and the one was to attempt Ticonderoga, and the other Mount Independence; but they were not to risk the loss of many men in these attempts. The same number of men were also sent on under colonel Woodbridge, to Skeensborough; thence to fort Anne, and so on to fort Edward. The design was to alarm and divide the British forces and attention, by assaulting all their out posts and stations at the same time. With so much secresy and address were these operations conducted, that by September the eighteenth, Brown had effectually surprised all the out posts between the landing place at the north end of Lake George, and the body of the fortress at Ticonderoga. Mount Defiance, Mount Hope, the French lines, and a block house, with two hundred batteaux, an armed sloop, and several gun boats, were almost instantly taken. Four companies of foot, with nearly an equal number of Canadians, and many of the officers and crews of the vessels, amounting in the whole to two hundred and ninety three, were made prisoners; and at the same time they set at liberty one hundred Americans, who had been made prisoners, and were confined in some of those works. Encouraged by this success, they summoned general Powel, the British commander at Ticonderoga, to surrender that fortress; but after maneuvering four days, they found they were wholly unable to attempt the works either at Ticonderoga or Mount Independence; abandoning the design, they returned in safety to Lincoln's camp. By this well conducted enterprise, the Americans had alarmed the enemy on the lakes, beat up their quarters, captured a considerable number of their men and vessels, recovered the continental standard which they had left when they abandoned Ticonderoga, and brought off a number of their own men; and returned to their own camp with scarcely any loss to themselves.*

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* Appendix, No. V.

Amidst these misfortunes, the British general had remained quiet in his camp. Having at length procured provisions for about thirty days, he took the resolution of passing Hudson's river with his army. This design he carried into execution towards the middle of September, and encamped on the heights and in the plain of Saratoga. In a letter to the British minister, he said, that as a duty of justice, he took upon himself the measure of passing Hudson's river, in order to force a passage to Albany; and did not think himself justified to call any men into council, when the peremptory tenor of his orders, and the advanced season of the year, admitted of no alternative. In a subsequent part of the same letter, his reasonings upon the subject are thus expressed: "The expedition I commanded was evidently meant at first to be *hazarded*. Circumstances might require it should be *devoted*; a critical junction of Mr. Gates' force with Mr. Washington, might possibly decide the fate of the war; the failure of my junction with sir Harry Clinton, or the loss of my retreat to Canada, could only be a partial misfortune." This statement might serve to amuse the British minister, but it was so little applicable to the state of things in America at that time, that it was scarcely possible that it should have had any influence on the conduct of general Burgoyne. The truth seems to have been, the different passions of hope, fear, and ambition, were all at work in the general's mind; the distinguishing trait in his character was an agitating ambition; and by this he was led to pass Hudson's river, and place his army in a situation more hazardous than it had ever been before. From his camp at Saratoga, in a few days he advanced along the side of the river, and encamped on the heights, about two miles from the camp of general Gates.

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* Gordon, Vol. 2, p. 248.

FROM the ambition and confidence which seems to have distinguished the character of general Burgoyne, Washington, in the lowest state of American affairs, derived a hope that the American generals might eventually avail themselves of some real advantages. In a letter to general Schuyler, of July the fifteenth, he wrote thus, “The evacuation of Ticonderoga and ‘Mount Independence, is an event of chagrin ‘and surprise not apprehended, nor within the ‘compass of my reasoning. This stroke is se‘vere indeed, and has distressed us much. But ‘notwithstanding things at present wear a dark ‘and gloomy aspect, I hope a spirited opposi‘tion will check the progress of general Bur‘goyne's arms, and that the confidence derived ‘from success will hurry him into measures, ‘that will in their consequences be favorable to ‘us. We should never despair.” In answer to a letter announcing to him with what rapidity Burgoyne had subdued the northern parts, and established his posts at Castleton, Skeensborough, lake George and fort Anne, Washington wrote again to Schuyler, on July the seventeenth; “Though our affairs have for some ‘days past, worn a dark and gloomy aspect, I ‘yet look forward to a fortunate and happy ‘change. I trust general Burgoyne's army will ‘meet sooner or later an effectual check; and, ‘as I suggested before, that the success he has ‘had will precipitate his ruin. From your ac‘counts, he appears to be pursuing that line of ‘conduct, which of all others is most favorable ‘to us. I mean acting in detachment. This ‘conduct will certainly give room for enterprise ‘on our part, and expose his parties to great ‘hazard. Could we be so happy as to cut one

‘ of them off, though it should not exceed four, ‘ five, or six hundred men, it would inspirit the ‘ people, and do away much of their present ‘ anxiety. In such an event, they would loose ‘ sight of past misfortunes ; and, urged at the ‘ same time by a regard for their own security, ‘ they would fly to arms and afford every aid in ‘ their power.”* The events that were now ‘ taking place, were a proof with what sagacity and penetration, this great man foresaw and comprehended the operation of military and political characters and causes.

On the eighteenth of September, the Americans marched out, three thousand strong, to attack the British troops, but found from the situation of the royal army, that the attempt would be too hazardous ; they drew up however in full view of the royal army, and remained in that situation till dark. The next day, general Burgoyne put himself at the head of the British line, which composed the right wing. This wing was covered by general Frazier and colonel Beyman, with the grenadiers and light infantry of the army ; and these again were covered by the Indians, Provincials, and Canadians, in the front and on the flanks. This wing kept along the high grounds, and advanced through some intervening woods of no great extent, toward the left of the Americans. At the same time the left of the royal army and artillery, under the command of the generals Phillips and Reidesel, kept along the great road and meadows by the river side. About one o'clock some of the American scouting parties fell in with those of the British, and began the attack with great boldness. The firing was no sooner heard than the advanced parties of both armies moved on to battle; supported and reinforced by their respective commanders, the battle became fierce and obstinate; the Americans aiming not to receive, but to commence the attacks. From the nature of the ground, the American generals were unable to perceive the different combinations of the march of the royal troops; and their first attempt was to turn the right wing of the British army, and flank their line. The strong position of general Frazier prevented their being able to execute this design. They next moved in a very regular order, and made a furious attack upon the left. The battle was now become general, and both armies appeared determined to conquer. A continued fire was kept up for three hours, without any intermission. The Americans and the British were alternately driven, and drove each other. Several pieces of British cannon were alternately taken and retaken; and the British bayonet was repeatedly tried without effect. On both sides, the action was kept up with a resolution and steadiness that nothing could exceed, and the approach of darkness alone put an end to the contest of the hostile battalions. The utmost that the British army had been able to effect, was to remain on the field; and the Americans would not quit their advantageous attacks, till the darkness of the night put it out of their power to continue the battle any longer.

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* Marshall's life of Washington, Vol. III. p. 254—256.

SEVERE and undecisive as the conflict had been, the advantages that attended it, were wholly on the American side. The British lost in the action more than five hundred men, in killed, wounded, and prisoners. The American loss was sixty four killed, two hundred and seventeen wounded, and thirty eight missing; in all three hundred and nineteen. Besides the diminution of their numbers, the battle had given to the British a new set of ideas, impressions and feelings; novel, irritating, and depressive. To see the Yankees, as they were called by way of derision, marching out in regular order, commencing and persevering in the most animated attacks upon British and German troops, often gaining the advantage, and refusing to quit the battle till the darkness put it out of their power to continue it; the British officers were astonished at such military efforts, and least of all did they expect that such enemies ever could be found in the American armies. They had viewed it as a matter of royal right and prerogative to disperse the American rebels and cowards, wherever they found them; and it was a matter of indignation, disdain, and extreme mortification, to be attacked, effectually opposed, and really worsted by such men, after a long and obstinate battle. The British general himself was alarmed with the event; and for the first time seems so have been convinced, that omnipotence was not entailed on the army which he commanded.

WITH the Americans, the sentiments and the feelings were altogether the reverse. They believed, and they boasted that they had obtained an important victory over the best troops of Europe. The British army was no longer viewed as an object of fear and dread. Instead of computing that Burgoyne would soon conquer the New England States, they made and sung their songs of gallantry and triumph; and glowed with the hope and prospect, that another battle would conquer and captivate the whole british army.

General Burgoyne endeavored to put the most favorable appearance on the adverse situation of his own affairs. His army lay all night upon their arms, at some distance from the field of battle; and in the morning took a position nearly within cannon shot of the Americans; fortifying their right, and extending their left in such a manner as to cover the meadows through which the river runs, and where their batteaux and hospital were placed. The engagement had answered so little to the expectation of the Indians, that their prospects of plunder were now gone. They also disliked the hard and dangerous services in which they were employed; and were disgusted by the checks they received on account of the murder of Miss M'Rea, and other inhumanities: And they took this opportunity to desert in large bodies, and some of them repaired to general Gates. M. St. Lue le Corne was at the head of the savages. This officer had been a famous French partisan; and had been distinguished in Nova Scotia, and at fort William Henry in 1757, for animating the Indians to butcher and scalp the English in a barbarous manner. On this occasion, according to Burgoyne's account, "The Indians, and Mr. St. Lue at the head of them, deserted."* Four of their tribes, the

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* Burgoyne's speech in Parliament in 1778.

Oneydas, Tuscaroras, Onondagoes, and Mohawks, accepted of a war belt from the American commissioners, and about one hundred and fifty of them came into the American camp.* A great desertion from the royal camp also took place among the Canadians and American loyalists ; and Burgoyne found that little or no confidence could be placed in those who remained, any longer than success attended his army.

From the first appearance of difficulties, Burgoyne had a strong hope and expectation of being powerfully supported by the arrival of a British force at Albany, or at least by a large detachment from the British army at New York. He now received a letter in cypher from Sir Henry Clinton at New York, announcing his intention of making a diversion on Hudson's river, by attacking fort Mongomery and other fortresses, which were designed to guard the passage up the river to Albany. This diversion, though it fell short of what Burgoyne expected and needed, yet it afforded him some prospect of relief ; at least it was hoped that it might serve to alarm general Gates, and force him to divide his army. The messenger was sent back the next day, September the twenty second, to Clinton ; two other officers were also dispatched in disguise, and some other confidential persons were also sent on by different routes, to acquaint the British commander with his dangerous and critical situation ; and to urge him to the immediate prosecution of his designs ; announcing at the same time that he should be able in the article of provisions, and was fixed in his determination to hold his present position until the twelfth of October, beyond which his provisions would not hold out.

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* Gordon, Vol. 2, p. 251.

In the mean time the British were employed in fortifying their camp, and guarding against any surprise from the Americans. Gates had already rendered the American camp inaccessible and impregnable to the British, and was every day receiving new supplies. From the twentieth of September to the seventh of October, the armies were so near to each other that not a night passed without firing, and sometimes concerted attacks were made on the British piquets. No foraging parties could be made by the royal army, without great detachments to cover them. The object of the American generals was to harrass the British troops by constant alarms and attacks. In the mean time, general Lincoln had marched towards Gates' camp; and on September the twenty ninth, joined him with two thousand militia.

General Burgoyne was now much apprehensive of increasing difficulties and dangers; his own provisions were rapidly decreasing, and large additions were every day made to the American army. In the beginning of October, he ventured on a measure which could no longer be avoided, a diminution of the soldier's rations of provisions; disagreeable as such a measure always is to an army, it was submitted to without murmurs. Things remained in this situation till the seventh of October, and no intelligence arrived of the expected assistance or cooperation of general Clinton; and the time was nearly expired, in which it was possible for the army to remain in its present camp or situation. No other expedient appeared; but to make a movement of the British army to the left of the Americans. This might serve to cover a forage of the army; which was now much distressed by scarcity; to discover whether it was possible to force a passage, if it should be necessary to advance; or to intimidate the Americans, if it should be judged best to retreat.

On October the seventh, a detachment of the royal army, consisting of fifteen hundred regular troops, with two twelve pounders, two howitzers and six six pounders, were put in motion. This detachment was commanded by general Burgoyne in person, aided by major generals Phillips and Reidesel, and brigadier general Frazier. No better generals or troops were at that time to be found in the British service. The guard of the camp upon the high grounds, was assigned to the brigadier generals Hamilton and Speight; and that of the redoubts, and plain near the river, to brigadier Goll. The force of the Americans in the front was supposed to be so much superior, that it was not judged safe to augment the detachment to a larger number. The British troops were formed within three quarters of a mile of the left of the Americans; and their irregulars were pushed on through various bye ways, to appear as a check on their rear.

Gates soon received intelligence of the march of the royal army, and immediately put his troops in motion. About four o'clock in the afternoon, the American column approached the royal detachment, and was fired upon by the twelve and six pounders. Disregarding the fire, they drew up along the skirts of the woods, amidst the trees, about two hundred yards distant from the British artillery. No sooner were they formed, than they made a very sudden and rapid attack upon the British grenadiers, who were posted to support the left wing of the line. Major Ackland, at the head of the grenadiers, sustained this fierce assault with great resolution; but general Gates having ordered out more regiments, the Americans extended their attack along the whole front of the Germans, who were posted immediately on the right of the British grenadiers. In this situation, it became impossible to move any part of the German troops to form a second line to support the flank, where the heavy weight of the fire became irresistible.

The right of the British troops was still unengaged; but it was perceived that a large body of the Americans was marching round their flank, to cut off their retreat. To oppose this bold and dangerous measure, the British light infantry, and their twenty fourth regiment, were directed to form a second line, in order to cover the retreat of the troops into their camp.

While this movement was taking place, the Americans pushed forward a fresh and strong reinforcement to decide the action on the left; which being totally overpowered, was compelled to give way; and the British light infantry and twenty fourth regiment, was obliged by a very quick movement to endeavor to save that wing from being totally destroyed; in this maneuvre general Frazier was mortally wounded. The situation of the whole detachment was now become extremely critical, but the danger to which their lines were exposed, was still more serious and alarming. Phillips and Reidesel were ordered to cover the retreat, and those troops which were nearest, or most disengaged, returned as fast as they could for their defence. They were obliged however to abandon six pieces of cannon, most of the artillery men being slain, and the horses entirely destroyed.

The British troops in general retreated in good order, though hard pressed. In their retreat they had been chased for nearly two miles, and they had scarcely entered their camp, when the Americans stormed it with great fury; rushing on through a severe fire of grape shot and small arms, with the most desperate valor. Arnold led on the attack with his usual impetuosity, but met with a spirited resistance from the light infantry, under lord Balcarras, who had been ordered to defend that part of the line. The engagement continued with the utmost obstinacy on both sides, till Arnold was wounded and forced to retire. His troops continued the attack with the greatest bravery and perseverance, but found the British grenadiers so strongly posted, that they finally succeeded in defending their lines. But in another quarter, where the Germans were posted, the Americans, led on by colonel Brooks, carried the entrenchments, sword in hand; totally routing the enemy, with the loss of their baggage, tents, and artillery; nor could the post be regained, though Burgoyne, extremely anxious to recover it, employed some of the best of the British troops to effect that purpose. In this attack, colonel

Breyman, who commanded the Germans, was slain, with a great number of his men. The Americans kept possession of the ground which they had taken; and nothing put an end to the action, or left the remaining part of the British camp in quietness, but the approach and darkness of night.

THIS action was one of the most animated and obstinate that had ever been fought in America. Arnold, through the whole of it, was actuated by military rage. In the heat of the engagement, he paid but little regard to military maxims, and appeared to be intent on nothing but attacking and bearing down the enemy. The American troops caught the same spirit, and regardless of all consequences, were ready to follow their officers through all dangers and hazards. And never had a British army met with a more fierce and determined opposition; they now found the Americans were not only determined to defend their country, but resolutely fixed on conquering and captivating the whole royal army. Besides general Frazier and colonel Breyman, several other officers were slain. Sir James Clark, majors Williams and Ackland, were wounded and taken prisoners. The loss of the Americans was very small. They had taken two hundred prisoners, nine pieces of artillery, the encampment of a whole German brigade, with all their equipage: And what was of still greater consequence to them, they had taken a large supply of ammunition, the want of which had been severely felt in the American camp.

WHEN the day closed, the distress and ca lamity of the royal army was found to be of so serious and extensive a nature, as to demand their immediate attention. A dangerous opening was now made on their right flank and rear. The Americans had halted at but half a mile distance; and between twelve and one o'clock at night, general Lincoln, who during the action had commanded within the works, marched with his division to relieve the troops that had been engaged; and to keep possession of the ground they had gained. In this situation, a total change of position became necessary to the British, to save their army from total destruction. It was accordingly executed that very night, with the greatest silence, order and intrepidity; the whole army moving to the adjacent heights, and forming a new camp, where they could not be attacked with advantage.

The next day, October the eighth, the royal troops were under arms the whole day, expecting the action would be renewed; but nothing took place except a cannonading, and some small skirmishes, which occasioned some loss to both parties. The object of general Gates now was, not to attack, but to surround the British army in such a manner as to prevent their escape. To effect this purpose, previous to the last action, he had posted fourteen hundred Americans on the heights opposite to the ford of Saratoga; and two thousand had been sent to prevent a retreat to fort Edward. On the eighth, fifteen hundred more were posted at the ford, which was higher up the river. Burgoyne, having received intelligence of these movements, concluded that Gates meant to turn the right flank of the royal army; which, when accomplished, would have completely enclosed his army on every side. To prevent this disaster, it was determined to make an immediate retreat to Saratoga, and to execute it that very night. Accordingly, about nine o'clock in the evening, the royal army began their retreat; abandoning the hospital, with the sick and wounded, to the mercy of the Americans. To the honor of general Gates, he discovered on this occasion, that humanity and tenderness, which was highly honorable to his own character, and greatly useful and salutary to those, whom the fortune of war had thus thrown friendless and forlorn into his hands. The royal army now made the best of their way to Saratoga, which was not more than six miles distant. But such was the badness of the roads, the starving condition of the cattle, with an incessant storm of rain, and other difficulties, that the army did not arrive at Saratoga till the next night, and it was then worn down with fatigue and distress.

On the morning of October the tenth, the royal army and artillery passed the fords of the Fish-kill, a little to the north of Saratoga; they found a body of the Americans already arrived, and throwing up entrenchments on the heights before them. They retired on the approach of the British, but joined a greater force which had been stationed to prevent the passage of the royal army. Every hope of escape was now cut off, but that of making a retreat to fort George. To effect this, a detachment of artificers, under a strong escort, was sent forward to repair the bridges, and open the road to fort

Edward. This detachment had proceeded but a little way from the camp, before the sudden appearance of the Americans in great force, obliged Burgoyne to recall the escort that was sent on; and soon after, on a very slight attack by a small party of the Americans, their provincial guard of loyalists abandoned their post, and left their workmen to shift for themselves; having done no more than to begin some repairs on one of the bridges.

Nothing was now wanting to complete the reduction of the British army, but to cut off their resources for provisions. These had hitherto been brought to their camp by the boats which had followed them along on Hudson's river from Stillwater to Saratoga; but this resource had now failed. The eastern shore of the river was lined with strong detachments from the American army; and the British batteaux, loaded with provisions and other necessaries, were of course exposed to their continual assaults, notwithstanding all the care that could be taken. Many of them were taken by the Americans, and a number of men were lost in the skirmishes that took place on these occasions. At length it was found that nothing more could be effected this way; and whatever was attempted to be carried to the British, would not fail to fall into the hands of the Americans.

In circumstances so desperate, a council of war was held, to consider of the practicability of a retreat. The only measure that could be supposed to bear the appearance of possibility in this respect, was to attempt to gain fort Edward by a night march, and to carry their provisions on their backs. That it was impossible to repair the roads and bridges, and to carry their artillery and baggage in carriages, was too evident to become the subject even of conjecture. It was proposed therefore as the only practicable attempt, to march off by night, and force a passage at the fords, near fort Edward; and preparations were making to carry into effect this desperate and forlorn resolve. But all hope of effecting this maneuvre soon failed. Intelligence was received that the Americans were strongly entrenched opposite to the fords at which the British proposed to pass; and that they had a camp well fortified with artillery on the high grounds between fort Edward and fort George; and that their parties were every where spread over the opposite bank of the Hudson, waiting and ready to oppose every motion of the royal army.

In this melancholy situation, the British army remained for some time, lying constantly on their arms. Every hope seemed to fail. Their numbers had been constantly decreasing for several weeks. Their spirits and strength were worn down by ill success, and extreme fatigue. A continued cannonade pervaded their camp, and even rifle and grape shot fell into every part of their lines. The Indians, Canadians, and provincial loyalists, had mostly deserted them. They had entertained hopes that their friends at New York would attempt to relieve them, or at least make a diversion in their favor; but no intelligence of this kind was received. Nothing was to be expected from any rash measures or attempts of the Americans, for Gates discovered no disposition to attack them, though his numbers were every day increasing. And Burgoyne upon a careful examination of their whole stock of provisions had found, that they had not more than sufficient for three days.

REDUCED to such a distressed situation, on October the thirteenth, general Burgoyne called a council to which he invited not only the superior officers of his army, but all the captains who commanded corps or divisions. There was not a spot of ground in the whole camp for holding the council of war, which was not exposed to cannon or rifle shot; and while they were deliberating, an eighteen pound ball crossed the table. The result of the council was, an unanimous determination to enter into a treaty with general Gates. The business was announced the same day, by the following card: "Lieutenant General Burgoyne is desirous of sending a field officer with a message to Major General Gates, upon a matter of high consequence to both armies. He requests to be informed at what hour general Gates will receive him to-morrow morning." The answer was, "Major General Gates will receive a field officer from Lieutenant General Burgoyne, at the advanced posts of the army of the United States, at ten o'clock tomorrow morning, from which he will be conducted to head quarters. Dated, the Camp of Saratoga, 9 o'clock." The next day, major Kingston delivered the following message to general Gates: "After having fought you twice, Lieutenant General Burgoyne has waited some days in his present position, determined to try a third conflict, against any force you could bring to attack him. He is apprised of the superiority of your numbers and the disposition of your troops to impede his supplies, and render his retreat a scene of carnage on both sides. In this situation he is impelled by humanity, and thinks himself justified by established principles and precedents of State, and of war, to spare the lives of brave men upon honorable terms; should Major General Gates be inclined to treat upon this idea, General Burgoyne will propose a cessation of arms during the time necessary to communicate the preliminary terms, by which, in any extremity, he and his army would abide."* It was not difficult to agree upon the articles of capitulation; in one only was there any altercation. It had been proposed that the British army should ground their arms in their encampments. General Burgoyne viewed this as an article more derogatory to their honor, than the surrender of the whole army. "This article," said he, "is inadmissible in any extremity. Sooner than this army will submit to ground their arms in their encampment, they will rush on their enemies, determined to take no quarter." The important point with general Gates was, to effect the surrender of the royal army; to accomplish this, he readily agreed that they should be allowed to march out of their camp with the honors of war, and their arms be laid down by the command of their own officers. In the management of the treaty, Burgoyne discovered an affected dignity and importance; but it was reduced to inactivity, conscious of its own im-

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[*] Murray, vol. 2, p. 364.

potence, and mortified by distress, pride and sensibility. Gates humoured his feelings, and seems to have wished to leave to him all the comforts of punctilio, ceremony, and vanity; while he took from his troops all their arms, importance, and power. And to give the softest name to the most humiliating of all acts, the capitulation was styled, *A convention between lieutenant general Burgoyne and major general Gates.*

On October the sixteenth, the terms of the treaty were adjusted, and it was agreed that the articles should be signed the next day at nine o'clock in the morning. In the night, the officer who had been sent to general Clinton returned, and brought intelligence to general Burgoyne, that the British had taken fort Montgomery, were then at Kingston, and were coming up the river to Albany. From this intelligence, Burgoyne entertained some slight hope of a distant relief; and as the articles were not signed, he submitted it to his officers, whether the public faith was already fully plighted, and whether it was expedient to suspend the execution, and to trust to events. The majority of the council determined that the public faith was already *bona fide* plighted, and that it was best to complete the execution. Burgoyne himself voted against the majority in this decision, but the vote being carried against him, it was unanimously agreed to sign the treaty. Gates had full intelligence of the progress the British were making on Hudson's river, of the destruction they had made at Kingston, and that they threatened to be at Albany in a few hours; he was very apprehensive that the British force approaching under general Vaughan, was designed to assist Burgoyne, by forcing him to divide his army; and he had repeated applications to send part of his troops for the defence of that part of the country. He determined therefore to bring the matter to an immediate issue. On the morning of the seventeenth, he got every thing ready for attacking the British army. At nine o'clock, the time agreed upon for signing the articles, he sent colonel Greaton on horseback to general Burgoyne, requiring his signature, and allowing him no more than ten minutes to go and return. The business was completed by Burgoyne without any delay, and Greaton returned with the treaty within the ten minutes. All hostile appearances immediately ceased, and the Americans marched back to their lines, to the tune of Yankee Doodle, in perfect order, and without any appearance of insolence or exultation.

The terms granted to the royal army, considering their reduced situation, must be viewed as more favorable than they had a right to expect. The army was to march out of their camp with the honors of war, and the artillery of the entrenchments, to the verge of the river, and there deposit their arms. They were to be allowed a free passage from Boston to Great Britain, on condition of not serving again in North America, during the war. The officers were not to be separated from their men, nor hindered from assembling them for roll calling, and other necessary purposes of regularity; they were to be upon parole, and permitted to wear their side arms. All private property was to be held sacred, and the public to be delivered upon honor; no baggage to be searched or molested; all persons of whatever country, appertaining to or following the army, to be comprehended in the capitulation; and the Canadians to be returned to the province of Quebec, subject to the conditions of the treaty.*

THE capitulation of a British army, was an event, until that time unknown in America. In the present instance, it was attended with the greatest possible mortifications, the surrender being made to those, who in all their proclamations and writings, they had styled traitors and rebels; and till very lately had affected to consider as a lawless rabble of cowards. Gates had been a British officer, and he was attentive to the painful feelings of the royal army, and did not wish to add any aggravating circumstances to their humiliation. He carried the nice delicacy of military honor so far, that the American troops were kept within their lines, while the royal army was going through the degrading work of laying down their arms. The humanity and politeness of the American commander, was the more unexpected and praiseworthy, as his whole army was at this time justly irritated by the destruction of the mills and buildings at Saratoga, burnt by order of general Burgoyne, when he was forced to retreat from that place. The same plan of devastation and ruin was pursued by the British troops under general Vaughan. On their passage towards Albany, Vaughan was informed that Burgoyne had surrendered, and it was too late to afford him any assistance. He found the town of Kingston or Esopus deserted; if he could not obtain victory, he was determined to have revenge: He doomed the deserted village to the flames; the whole, by his order, was reduced to ashes, and not one house was suffered to remain. While the British troops were thus imitating the measures and manners of the most savage barbarians, they had too much reason to expect that a captivated army would be treated with severity; and they were astonished to find that nothing like insult, ridicule, or revenge, was to be seen in any part of the American army.

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* Appendix, No. VI.

The number of troops, who on this occasion laid down their arms, by Burgoyne's account, was five thousand seven hundred and ninety one. The sick and wounded left in the hospital, were stated at five hundred and twenty eight; and the loss in battles, by sickness and desertion, after the sixth of July, were computed at two thousand nine hundred and thirty three. The whole amount of these numbers, being nine thousand two hundred and fifty two, it is probable were not stated too high; for by every account, the royal army, when it left Canada, was full ten thousand strong. A fine train of brass artillery, amounting to forty two pieces of different sorts and sizes, besides the small arms and ammunition, fell also into the hands of the Americans. And so reduced was the British army with respect to provisions, that they had not bread or flour; nor salt meat only for one day. The number of men that had joined Gate's army, was about thirteen thousand; of these two thousand and five hundred were sick, or absent on furlough; so that the number of effective men in his army, amounted to about ten thousand and five hundred. The number of militia however was constantly varying; some arriving, and others returning.*

THE convention troops having marched on to Boston, the New England militia returned to their respective homes; but general Gates pushed forward his continental troops with the utmost expedition, to stop the British in their desolatory career on Hudson's river; among these, was the Vermont regiment under colonel Warner.† On their approach, the British commanders, Vaughan and Wallis, found it unsafe to continue their desolating and burning plan; and returned with their troops to New York; having made their own cause extremely odious to the Americans, by the cruelty, inhumanity, and vindictive spirit, that had marked all their proceedings.

THE northern expedition having terminated thus favorably to the Americans, Saratoga and the adjacent country, soon became a quiet habitation. The armies were all moved off, and the inhabitants began to return to their former places of abode. The towns in the western parts of Vermont, which had been deserted, began again to be inhabited. Where the crops of grain had not been entirely destroyed, the inhabitants soon collected, and were seen gathering their corn and hay in the months of November and December. Their first business was to collect provisions to carry them through the winter; and as the operations of war were not expected to re-commence in that part of the country, their civil affairs became the matters of the highest importance. From their peculiar situation and former controversies with the government of New York, the object which must now most of all engage their attention, was civil liberty and government; under what government they were to remain, and under what constitution and laws they were to look for freedom, justice, safety and protection.

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* Gordon, Vol. II, p. 268. Murray, Vol. II, p. 353.
† Appendix, No. VII.

CHAPTER V.

Civil Policy. *From the year* 1775, *to* 1783. *Political state of the people. Conventions to consult on the common safety. Declaration of the Independence of Vermont. Proceedings of New York. Resolves of Congress. Controversy with New Hampshire. Claims of New Hampshire, New York, and Massachusetts. Appointment of Commissioners, to confer with the Inhabitants. Interposition of Congress. Conduct of Vermont. Measures pursued by Congress. Further claims of Vermont. Proceedings and views of the British generals and ministers. Resolutions of Congress. Proceedings of Vermont, New York, and New Hampshire. Advice of General Washington. Proceedings of Vermont. Votes of Congress. Remarks on the design, and effect of those votes. Indian depredations at Royalton.*

1775. WHILE the people of America were thus contending with the fleets and armies of one of the most powerful kingdoms of Europe, and were exerting all their strength and resources, to defend themselves against a foreign conquest, another object of equal difficulty and importance, was, to form such a system of civil government, as should be best adapted to their state of society. The sufferings they had undergone, in consequence of their connection with the British king and monarchy, had every where made them averse to the monarchical form of government; and every circumstance in their situation and affairs, inclined and united them to make choice of the republican system. Their object was not licentiousness and confusion, but the preservation of public liberty, order, and safety; and they were well aware that it was a matter of extreme difficulty, to form such constitutions of civil government, as would preserve these objects from the attacks of licentiousness and oppression. Civil policy and government became of course an object of universal enquiry, study, and investigation; and the people were as anxious to provide for their own internal government and safety, as to provide ways and means to carry on the war.

In no part of America, were the advantages of civil government more wanted, than among the inhabitants on the New Hampshire Grants. Amidst all the difficulties they had passed through, they had not so much as the form of any civil government among them. When called upon to oppose the proceedings of New York, they had no other way of transacting their affairs, than to collect together, and follow the advice of the most active and ambitious of their leaders. When alarmed by the defeat of the American armies, or the approach of the British troops, or when called upon for supplies, the only method in which they could conduct the business, was to collect together and consult what should be done. And when they had voted their conclusions, their agreements had no other force, nor was there any other power to carry the most necessary measures into effect, than the consent and inclination of every individual among them. No civil laws were of any other force than what custom and habit gave them. The sentiments and maxims derived from the opinions and feelings of the neighborhood, were all the powers that subsisted to put any restraint on the most vicious, or to preserve the lives and properties of the inhabitants. It was soon found, not only inconvenient to subsist, but impossible to have safety and prosperity, in such a state of society.

THE contest with New York, had now in a great measure subsided, and the attention had been chiefly taken up, with the affairs of the war. The method in which they had managed their general concerns, was by meetings of towns and plantations, by committees, officers, and leaders, nominally appointed, and submitted to, by general consent and approbation. The people had been unable to raise any considerable sums of money, on any occasion; but the affairs of the war had so multiplied emissions of paper currency, that this difficulty was in some measure removed. But the constant difficulty and embarrassment, of conducting their public affairs without the advantages of government, had given rise to combinations of a general nature, among several of the towns; and partial conventions had been holden at several times and places, on each side of the mountains. But no general plan of combination and union, had taken place; nor does it seem, that the people at this period of their affairs, had entertained the idea of forming themselves into an independent state. But it had become a matter of general inquiry and conversation, what should be done? And what measures ought to be adopted for the public safety ?—The situation of the inhabitants at this time, seems to have approached nearly to what has been called by some, a state of nature. A large number of people were scattered over a large tract of country, in small settlements, at a great distance from each other, without any form of government, any established laws, or civil officers. Nature and necessity had forced them to associate, and to combine together, to promote their common safety and interest: But they had not entertained the idea, of setting up an independent government, or formed any plan for their future proceedings, or regulation. They seem to have been waiting, for the course of events to point out to them, what was practicable and prudent.

To obtain information, in the fall of the year 1775, some of the leading members went to Philadelphia, to procure the advice of Congress. They did not obtain any formal act or advice from that body, but upon their return dispersed a number of letters, representing it as the opinion of several members of Congress, that the people should form a temporary association, and government by committees and conventions, as the circumstances of the people might require. Accordingly, on January 16, 1776, a convention met at Dorset, and drew up a petition to Congress. Their application they styled, "The humble petition, address, and remonstrance of that part of America, being situate south of Canada line, west of Connecticut river, commonly called and known by the name of the New Hampshire grants." They avow their readiness to bear a full proportion of the American war, their ability and zeal in the common cause, and a willingness to be called upon for this purpose, whenever Congress should judge it necessary; But declare they are not willing to put themselves under the provincial government of New York, lest it should be afterwards construed to imply an acknowledgment of that authority. They conclude with requesting, that whenever the Congress should find it necessary to call for their services, they may not be called upon as inhabitants of New York, or as persons subject to the limitations, restrictions, or regulations, of the militia of that province; but as inhabitants of the New Hampshire grants; and that whatever commissions, might be granted to any of the inhabitants, might consider them in that view.*

THIS was the first application, the people had ever made to Congress. The committee to whom it was referred, reported as their opinion, that it be recommended to the petitioners for the present, to submit to the government of New York, and to assist their countrymen in the contest with Great Britain; but that such submission, ought not to prejudice their right to any lands in controversy, or be construed to affirm or admit the jurisdiction of New York, over the country, when the present troubles should be ended. This advice was such, as might have been expected: At a period when the fate of all the American colonies was at stake, the committee could not but wish, that all local or provincial controversies might subside: To avoid any decision upon the matter at that time, the petition was withdrawn.

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* First petition to Congress, dated Dorset, Jan. 17, 1774.

On July the fourth, 1776, the Congress made a declaration of *Independence;* declaring in the name, and by the authority of the people of the United Colonies, that they were, and of right ought to be, free and independent States; that they were absolved from all allegiance to the British crown, and that all political connexion between them, and the kingdom of Great Britain, was totally dissolved. By this sound and decisive policy, the United Colonies were delivered from the embarrassments, with which they had before been perplexed. It was no longer of any importance to them, what were the powers and prerogatives of the crown; or what was the origin, or extent of liberty, under the British constitution. One question only, remained to be decided; and that was, whether for the future, they were to be conquered provinces, or free and independent states?

But while the declaration of Independence, clearly stated to the United Colonies, the ground on which they were to stand; it left the people on the New Hampshire grants, in a situation more uncertain and critical, than that in which they had been before. Colonel Skeen had obtained a commission from the crown, to be governor of Ticonderoga, Crown Point, and the adjacent country; but to what extent, was unknown. New Hampshire had renounced all political connexion with them. The controversy with New York was reviving. The convention of that state had unanimously voted, on August second, 1776, "That all quit rents formerly due to the king of Great Britain, are now due, and owing to this convention, or such future government as shall hereafter be established in this state."*. To submit to the claims of New York, was to give up the whole of their property, and to reduce themselves to a state of dependence, and beggary. To oppose her claims and power, would probably bring on, not only a contest with New York, but with the Congress also: And to continue without some form of government, was impossible.

A situation attended with so many difficulties, gave rise to a variety of opinions. Some were for attempting to return to New Hampshire: Others saw no other method of proceeding, but submission to New York. The more resolute, were for assuming the powers of government, and hazarding all the consequences of such a measure. To ascertain what the prevailing opinion was, it was judged necessary to call a general convention. This convention was called by circular letters, from some of the most influential persons; it consisted of fifty one members, representing thirty five towns, and met at Dorset, July 24th, 1776. At this session, the convention agreed to enter into an association among themselves, for the defence of the liberties of their country: But that they would not associate with either of the counties, or with the provincial Congress of New York; and that any of the inhabitants of the New Hampshire grants, who should enter into such an association, should be deemed enemies to the common cause.

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[*] In the grants made by the governors of New Hampſhire, the annual quit rents reſerved to the crown on every hundred acres, were one ſhilling, proclamation money, equal in value to nine pence ſterling; in the grants made by the governors of New York, theſe quit rents were raiſed to two ſhillings and ſix pence ſterling.

The sentiments of the people, were now very generally tending towards a total separation from New York. On September the 25th, the convention met again, and resolved without a dissenting vote, "to take suitable measures as soon as may be, to declare the New Hampshire grants, a free and separate district." And that "no law or laws, direction or directions from the State of New York, should be accepted."

In January 1777, a general convention of representatives from the towns on both sides of the mountains, met at Westminster. The sentiments of their constituents, were now, well known: And after a very serious debate and consultation, the convention concluded that there was no other way of safety left, but to form themselves into a new state, and assume all the powers of government. Accordingly, on January 16, having resolved upon this measure, they made and published the following declaration:

"This convention, whose members are duly chosen by the free voice of their constituents, in the several towns on the New Hampshire grants, in public meeting assembled, in our own names, and in behalf of our constituents, Do hereby proclaim, and publicly declare, that the district of territory comprehending, and usually known, by the name and description of the New Hampshire grants, of right ought to be, and is hereby declared forever hereafter to be considered as a free and independent jurisdiction, or state; to be forever hereafter called, known, and distinguished, by the name of New Connecticut, alias Vermont: And that the inhabitants that at present, or that may hereafter become resident within said territory, shall be entitled to the same privileges, immunities, and enfranchisements which are, or that may at any time hereafter be allowed, to the inhabitants of any of the free and independent states of America: And that such privileges, and immunities, shall be regulated in a bill of rights, and by a form of government, to be established at the next session of this convention."*

HAVING taken this decisive step, they drew up a declaration and petition to Congress, in which they announce to that body, as the grand representative of the United States, that they had made and published a declaration, "that they would at all times thereafter, consider themselves as a free and independent state, capable of regulating their own internal police, in all, and every respect whatsoever; and that the people in the said described district, had the sole exclusive right of governing themselves, in such manner and form, as they, in their wisdom, should choose; not repugnant to any resolves of the honorable, the continental Congress: And that they were at all times ready, in conjunction with their brethren in the United States, to contribute their full proportion towards maintaining the present just war, against the fleets and armies of Great Britain."† They petitioned Congress that their declaration might be received, that the district therein described, might be ranked among the free and independent American States; and delegates therefrom, be admitted to a seat in Congress. This declaration and petition was signed, and presented to Congress in behalf of the inhabitants, by four of the most respectable members of the convention; *Jonas Fay*, *Thomas Chittenden*, *Heman Allen*, and *Reuben Jones*.*

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* Records of the Convention. Appendix, No. VIII.

† Copy, attested by J. Fay, clerk.

No measure was ever more necessary, or more happily chosen, than this. Newhampshire had wholly rejected them. They never had submitted to the government of New York, but stedfastly opposed her authority. By the dissolution of all connexion with the crown of Great Britain, they concluded they were no longer subject to the claims of New York, founded on the arbitrary decisions of that crown. The period was now come, when as they expressed it, they were reduced to a state of nature. Some form of government, must be adopted. They had the same right to assume the powers of government, that the Congress had. The step seemed to be absolutely necessary for the immediate safety and protection of the people: And now was the time, when the powers of government could be assumed, with the greatest safety and advantage. To be irresolute or timid, was to lose an opportunity, which might never return: And whatever opposition might be made to their measures, they could meet it with greater force, when they had declared themselves a free and independent state, and knew by what authority they acted. Every part of the United States, was at that period, contending against oppression; and every consideration that could justify the proceedings of Congress, was a reason, why the people of Vermont, should take that opportunity, effectually to guard against their former sufferings. Happily for themselves, and for the state, they adopted that firm and temperate policy, which alone was adequate to the object.

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* Appendix, No. IX.

THE conduct of Vermont, in declaring their independence, was viewed by the adjacent states, in very different lights. New Hampshire appeared willing to admit, and acknowledge it. In Massachusetts and Connecticut, the measure was rather applauded, than condemned. But to New York, the conduct of the people in attempting to form a new state, appeared as a dangerous revival of their former opposition and rebellion to lawful authority.

THE committee of safety for that state, were then sitting. Apprehensive of the consequences, they immediately took up the matter; and by their direction, the president of the New York convention, on January 20th, 1777, gave this information to Congress; "I am directed by the committee of safety of New York, to inform Congress, that by the arts and influence of certain designing men, a part of this state hath been prevailed on to revolt, and disavow the authority of its legislature. The various evidences and informations we have received would lead us to believe that persons of great influence in some of our sister states, have fostered and fomented these divisions. But as these informations tend to accuse some members of your honorable body, of being concerned in this scheme, decency obliges us to suspend our belief. The convention are sorry to observe, that by conferring a commission upon colonel Warner, with authority to name the officers of a regiment, to be raised independently of the legislature of this state, and within that part of it, which hath lately declared an independence upon it, Congress hath given but too much weight to the insinuations of those, who pretend that your honorable body are determined to support these insurgents; especially as this colonel Warner, hath been constantly and invariably opposed to the legislature of this state, and hath been, on that very account, proclaimed an outlaw by the late government thereof. It is absolutely necessary to recall the commissions given to colonel Warner, and the officers under him, as nothing else will do justice to us, and convince those deluded people, that Congress have not been prevailed on to assist in dismembering a state, which of all others, has suffered the most in the common cause."* To persuade Congress to engage in this cause, another application was made to that body, on March the first: In this the convention of New York represent, that they depend upon the justice of that honorable house, to adopt every wise and salutary expedient, to suppress the mischiefs which must ensue to that state and to the general confederacy, from the unjust and pernicious projects of such of the inhabitants of New York, as merely from selfish and interested motives, have fomented the dangerous insurrection: That Congress might be assured that the spirit of defection, notwithstanding all the arts and violence of the seducers, was by no means general: That the county of Gloucester, and a very great part of Cumberland, and Charlotte counties, continued steadfast in their allegiance to the government of New York; and that there was not the least probability, that colonel Warner could raise such a number of men, as would be an object of public concern.*

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* Attested copy of a letter from the Hon. A. Ten Broeck, president of the convention of New York, dated Jan. 20, 1777.

THE proceedings of Vermont had now assumed a regular form, and become an object of general attention. In April, a paper was printed at Philadelphia, subscribed Thomas Young, and addressed to the inhabitants of Vermont; To this address was prefixed a resolution, which Congress had passed May 15, 1776, recommending to the respective assemblies and conventions of the United Colonies, where no government sufficient to the exigencies of their affairs had been already established, to adopt such government, as in the opinion of the representatives of the people, should best conduce to the happiness and safety of their constituents. In the address to the inhabitants of Vermont, were these paragraphs; "I have taken the minds of several leading members, in the honorable the continental Congress, and can assure you, that you have nothing to do, but to send attested copies of the recommendation to take up government, to every township in your district, and invite all your freeholders and inhabitants to meet in their respective townships, and choose members for a general convention, to meet at an early day, to choose delegates for the general Congress, a committee of safety, and to form a constitution for your state. Your friends here tell me, that some are in doubt, whether delegates from your district, would be admitted into Congress. I tell you to organize fairly, and make the experiment, and I will ensure your success, at the risk of my reputation as a man of honor or common sense. Indeed they can by no means refuse you! You have as good a right to choose how you will be governed, and by whom, as they had."*

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* Letter from A. Ten Broek, of March 1, 1777.

PUBLICATIONS and measures thus avowing the cause, and designed to establish the independence of Vermont, were beheld by New York, with great indignation and concern. On May the 28th, the council of safety for that state, made a third attempt to engage the attention of Congress. By their direction, their president wrote to that body, that a report prevailed and daily gained credit, that the revolters were privately countenanced in their designs, by certain members of Congress; that they esteemed it their duty to give them such information, that by proper resolutions on the subject, Congress might cease to be injured, by imputations so disgraceful and dishonorable. "However unwilling we may be to entertain suspicions so disrespectful to any member of Congress, yet the truth is, that no inconsiderable numbers of the people of this state, do believe the report to be well founded."*

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* Printed letter to the inhabitants of Vermont, April 11, 1777, by T. Young.

* Pierre Van Cortlandt's letter to Congress, May 28, 1777.

To bring Congress to some decision upon the matter, on June 23d, one of the delegates of New York laid before that body, the printed letter and publication of Thomas Young. Congress took up the matter, and ordered the printed paper, the letters which had been received from the convention of New York, and from the inhabitants of the New Hampshire grants, to be referred to a committee of the whole; and after several adjournments, on June 30th, passed the following resolves:

"*Resolved*, That Congress is composed of delegates chosen by, and representing the communities respectively inhabiting the territories of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, as they respectively stood at the time of its first institution; that it was instituted for the purpose of securing and defending the communities aforesaid, against the usurpations, oppressions, and hostile invasions of Great Britain; and therefore it cannot be intended that Congress by any of its proceedings would do, or recommend, or countenance, any thing injurious to the rights and jurisdiction of the several communities, which it represents.

"*Resolved*, That the independent government attempted to be established by the people, styling themselves inhabitants of the New Hampshire grants, can derive no countenance, or justification, from the act of Congress declaring the United Colonies to be independent of the crown of Great Britain; nor from any other act, or resolution of Congress.

"*Resolved*, That the petition of Jonas Fay, Thomas Chittenden, Heman Allen, and Reuben Jones, in the name and behalf of the people, styling themselves as aforesaid, praying that 'their declaration, that they would consider themselves as a free and independent state, may be received; that the district in the said petition described, may be ranked among the free and independent states; and that delegates therefrom may be admitted to seats in Congress,' be dismissed.

"*Resolved*, That Congress by raising and officering the regiment, commanded by colonel Warner, never meant to give any encouragement to the claim of the people aforesaid, to be considered as an independent state; but that the reason which induced Congress to form that corps, was, that many officers of different states, who had served in Canada, and alledged that they could soon raise a regiment, but were then unprovided for, might be reinstated in the service of the United States."

HAVING recited the paragraphs in the letter from Thomas Young, which have been quoted, they next resolve, "That the contents of the said paragraphs, are derogatory to the honor of Congress, are a gross misrepresentation of the resolution of Congress therein referred to, and tend to deceive and mislead the people to whom they are addressed."*

THESE resolves were favorable to the government of New York: From their spirit and style, and the manner in which the business was introduced, the people of Vermont concluded, they were drawn up under the influence of that state; and that their independence must be supported, with the same firmness and spirit, with which it had been declared: And they served only to confirm the resolution of a people, who with all the hardihood of antiquity, were well acquainted with the nature and origin of their own rights.

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* Journal of Congress, June, 1777, p. 258, 259, 260.

DURING this period, no controversy had arisen with New Hampshire. That state had gone farther than any other, to admit and acknowledge the independence of Vermont. On the 6th of July, 1777, the American army stationed at Ticonderoga, was forced to abandon that important post to the formidable army commanded by general Burgoyne. The people in most of the towns on the west side of the mountains, were obliged to abandon their habitations, with circumstances of great distress and confusion.

THE convention of Vermont was then sitting, at Windsor. Their committee wrote in the most pressing terms,* to the committee of safety at Exeter in New Hampshire, for assistance; informing them at the same time, if none should be afforded, they must immediately retire into the New England States, for support and safety. The assembly of New Hampshire was immediately called together: They put a large body of their militia under the command of general Stark, and gave him orders to "repair to Charlestown on Connecticut river; there to consult with a committee of the New Hampshire grants, respecting his future operations, and the supply of his men with provisions; to take the command of the militia, and march into the grants; to act in conjunction with the troops of that new state, or any other of the states, or of the United States."* About the same time,† Mr. Weare, president of New Hampshire, in behalf of the council and assembly, wrote to Ira Allen, secretary of the state of Vermont, announcing the assistance they were sending; the style and expressions of his letter were addressed to Vermont, as a free and sovereign, but a new state. From these events it was not doubted in Vermont, but that New Hampshire had already acknowledged her independence; and would use her influence, to have it acknowledged by Congress.

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* July 8.

BUT the conduct of some of the inhabitants of New Hampshire, soon occasioned a controversy of a very serious nature with that state. New Hampshire was originally granted as a province, to John Mason; and was circumscribed by a line, drawn at the distance of sixty miles from the sea. All the lands to the westward of that line, were properly royal grants, and had been annexed to New Hampshire, by force of royal commissions. The inhabitants on the eastern side of Connecticut river, well knew what the original bounds of New Hampshire were; and they were desirous to join the inhabitants on the west side of the river, in setting up a new state. With these views, it was not a difficult thing to find reasons to justify their proceedings. They urged, that the province of

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* Belknap's Hist. New Hampshire, Vol. II, p. 413.
† July 19.

New Hampshire could not originally extend further, than sixty miles from the sea coast: That the additional towns were annexed to that state, solely by virtue of the royal commissions: That these commissions could be of force, or operate no longer, than while the power of the crown subsisted; That as all royal authority was done away, the obligations which had annexed them to the province of New Hampshire, were done away with it: And that it now belonged to the people to determine, what state they would join, and what government they would be under.* These ideas were propagated with much success, in the towns adjoining Connecticut river; conventions were holden, and in the course of a few months,† a petition was presented in the name of sixteen towns in New Hampshire, announcing "that they were not connected with any state, with respect to their internal police," and requesting the state of Vermont, to receive them into an union and confederation with them.

The assembly of Vermont was perplexed with this application. Most of the members from the west side of the mountains, viewed it as a dangerous measure; and the majority of the assembly, appeared to be against receiving any of the towns from New Hampshire. The towns in Vermont which adjoined to Connecticut river, were generally in favor of receiving the towns from New Hampshire; and went so far as to propose withdrawing from their connexion with Vermont, and setting up another state. There was no method to preserve their own union, but to refer the question to the decision of the people: And the party in favor of the New Hampshire proposals, were extremely diligent and active, in securing a majority of the members, against the next meeting of the assembly. When the assembly met, it was represented to them, that the inhabitants of the towns which had applied for a union with Vermont, were almost unanimous in their votes, and that New Hampshire, as a state, would not object against said towns joining with Vermont.* A vote was carried in favor of their union and confederation:† And the assembly of Vermont resolved further, that any other towns on the east side of Connecticut river, might also be admitted into the union, on producing a vote of the majority of the inhabitants, or on their sending a representative to the assembly of Vermont. Having thus effected their purposes, the sixteen towns announced to the government of New Hampshire, that they had withdrawn from their jurisdiction, and wished to have a divisional line established, and a friendly correspondence kept up.‡

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* Observations on the right of jurisdiction of New Hampshire grants: Printed 1778. Public defence of the right of New Hampshire grants, &c. Printed 1779.

† March 12, 1778.

THESE proceedings were founded upon principles, which might introduce endless contentions and divisions, among the United States; and they justly proved greatly alarming to New Hampshire.

Mesheck Weare, Esq. was at that time president of that state, a gentleman of great wisdom and virtue. In the name of the assembly, he wrote to Mr. Chittenden, governor of Vermont,* claiming the sixteen towns as part of the state of New Hampshire. His claim was founded on the known boundaries of that state, before the revolution; on their sending delegates to the convention in 1775; on their applying to the assembly of New Hampshire, for arms and ammunition; on their receiving commissions from the government, and having always acted as a part of it. He gave information at the same time, that the minority in those towns, had claimed protection from that state; which the assembly of New Hampshire, viewed themselves as bound on every consideration, to afford. And he urged the governor of Vermont, to exert his influence with their assembly, to dissolve so irregular and dangerous a connexion. That he might avail himself of the highest authority in America, Mr. Weare wrote also to the delegates of that state in Congress,† urging them to take advice, and procure the interposition of Congress; intimating his apprehensions, that this would be the only method, in which the controversy could be settled, without the effusion of blood, as all attempts for reconciliation had been in vain.

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* Allen's vindication of the conduct of the general assembly, &c. p. 13.
† June 11, 1778. ‡ June 25.

NOR were the governor and council of Vermont without their difficulties, in the management of these affairs. To guide the movements of a people, irritated by a long series of injuries, and now too much elated by success, was a critical and difficult business. Aware of the applications that would be made to Congress, in September they sent colonel Ethan Allen, as their advocate to that body; and to procure information, in what light their proceedings were viewed at Philadelphia. Upon his return, he made report,* that Congress was unanimously opposed, to their forming any connexions with the people of New Hampshire: And that if those proceedings were disannulled, none of the members of Congress, except the delegates from New York, would oppose their independence.

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* August 22. † August 19.

THE next assembly of Vermont met in October, at Windsor. Representatives from ten of the sixteen towns, took their seats in the assembly. A question was moved, "whether the towns on the east side of Connecticut river, which had been admitted into an union with Vermont, should be erected into a county by themselves?" The vote passed in the negative. Finding by this, and some other votes, that the assembly declined to do any thing more, to extend their jurisdiction to the east of Connecticut river, the members from those towns withdrew from the assembly, and were followed by fifteen of the representatives from some of the towns in Vermont, adjoining to the river, with the deputy governor, and two assistants. The assembly of Vermont consisted of but sixty members, two thirds of which were necessary to make a house, to do business: And this, was just the number that was left, when the seceding members had withdrawn. The remaining members went on with the public business, and continued their session, until the business of it was finished: But they referred the matter to their constituents, to instruct them how to proceed with regard to the union with New Hampshire, at their next session.* The members who had withdrawn themselves from the assembly, formed into a convention, and gave an invitation to the towns on both sides of Connecticut river, to unite, and to meet with them in a convention at Cornish, in New Hampshire, December nine, 1778. The interests and views which produced these proceedings, were pretty well understood, and proved greatly injurious to Vermont. The people on both sides Connecticut river, wished to form a government, the center and seat of which, should be upon the river. The people on the west side of the mountains, were averse to this plan, and to any connexion with New Hampshire.

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* October 19.

On December the ninth, the convention which had been called, met at Cornish, one of the sixteen towns. They agreed to unite, without any regard to the limits which had been assigned to New Hampshire, in 1764; and to make the following proposals to that government. Either to agree with them on a divisional line, or to submit the dispute to Congress, or to arbitrators mutually chosen. If neither of these proposals should be accepted, and they could agree with New Hampshire upon a plan of government, they resolved further, "We will consent that the whole of the grants connect with New Hampshire, and become with them one entire state, as it was limited and bounded, before the settling of the said line in 1764." Until one of these proposals should be complied with, they resolved to trust in providence, and defend themselves.* There were but eight towns from Vermont; which were represented in this convention; and some of them declined to act in making any overtures to New Hampshire, to extend their jurisdiction over the state of Vermont. But the proceedings of the convention, served to discover to the whole body of the people, what had been the views of the leading men, in proposing the union of the sixteen towns from New Hampshire: It was now manifest, that their whole aim, had been to form a government, the center and seat of which, should be upon connecticut river. This would be effected, either by connecting a considerable part of New Hampshire, with Vermont; or by breaking up the government of Vermont, and connecting the whole of it, with New Hampshire: The one or the other of these measures, they were earnest to effect; and either of them would probably have formed a state, the metropolis of which, must have been upon the river which divides the two states. To get rid of a connexion, which had occasioned so much trouble and danger, the assembly of Vermont, on February 12, 1779, voted to dissolve the union, which had subsisted between them, and the towns in New Hampshire; and immediately communicated their resolves to that government.† Encouraged by these divisions, the assembly of New Hampshire was persuaded by some of her leading members, to claim the whole tract of country, which belonged to her before the royal determination in 1764: Accordingly that state put into Congress, a claim to the whole territory of Vermont. New York took the same step, and put in her claim to the whole of the lands. As New Hampshire had not the least pretence, upon any principle whatever, to make such a claim, it was not doubted in Vermont, but that intrigues had been formed by the leading men in those two states, to divide Vermont between them. The range of mountains, which runs through the state, would afford a natural line, for such a division: And this measure would unite the two states of New Hampshire and New York; and put an end to all future controversy, with the people of Vermont; either respecting their limits, the validity of their grants, or the powers of government which they had assumed. And if these two states could be united, there was a fair prospect that the rest would leave them to settle the affairs of Vermont, which began to bear a very serious aspect, and might prove troublesome to Congress. The other states had not as yet concerned themselves, about these controversies; but Massachusetts now interposed. Whether aiming to disappoint the views of New Hampshire and New York, or in earnest to secure a part of the controverted lands, that state also put in a claim to a large part of Vermont: And her claim had a much better appearance, than that of New Hampshire; for although the line between Massachusetts and New Hampshire might be esteemed to be settled, yet the line between Massachusetts and New York had never been determined.

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* Allen's Vindication, p. 14. 16. 22. 44.

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* Allen's Vindication, p. 32, 33.

† 1779, June 24.

While these controversies had been carried on with New Hampshire, the debate with New York had not at all subsided. In a letter of July 7th, 1778, Mr. Clinton, governor of New-York, wrote to one of his friends in Vermont, that he "would still as on a former occasion, earnestly recommend a firm and prudent resistance to the draughting of men, raising taxes, and the exercise of every act of government, under the ideal Vermont state; and in such towns, where our friends are sufficiently powerful for the purpose, I would advise the entering into association, for the mutual defence of their persons and estates against this usurpation."* In a letter of July eighth, he warmly urged Congress to come to some decision on their controversy with Vermont; blamed the inhabitants for the violence of their proceedings, affirmed that it would soon bring on a civil war, and that all the grievances which the people of Vermont had suffered, arose from the former government of New York, and not from the present.†

In 1779, the controversy with New York bore a more hostile appearance. There were several persons in the southeast part of the state, then called the county of Cumberland by New York, who were attached to the authority of that state, and opposed the government of Vermont. To some of them, governor Clinton had given commissions. They asserted that they had a regiment, of about five hundred men; and that a committee of the county, was also opposed to the authority of Vermont. The government of Vermont found it necessary, to put an end to these hostile associations; and colonel Ethan Allen was directed to raise a part of the militia, for that purpose. Upon this intelligence, a colonel, bearing a commission under the government of New York, wrote to governor Clinton for his advice and direction, suggesting the necessity of having the militia of Albany held in readiness to attack any armed force, that should gather with that design; and that it would be an easy thing to get intelligence, by employing the enemies of Vermont, in their own towns, to give information.* In answer to this application, the governor of New York recommended in general, firmness and prudence, and in no instance to acknowledge the authority of Vermont, unless where there was no alternative left between submission and inevitable ruin: He assured them, at the same time, that if any attempt was made by Vermont to reduce them by force of arms, he would instantly issue his orders to the militia, who were properly equipped, and who would be led against the enemies of the state, wherever they might happen to be.†

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* Copy of a letter from governor Clinton, to Pelatiah Fitch, Esq.

† Attested copy.

ALARMED with these prospects, Mr. Clinton wrote to the president of Congress, May the 18th, that matters were fast approaching to a very serious crisis, which nothing but the immediate interposition of Congress, could possibly prevent; that he daily expected he should be obliged to order out a force, for the defence of those who adhered to New York; that the wisdom of Congress would suggest to them, what would be the consequence of submitting the controversy, especially at that juncture, to the decision of the sword; but that justice, the faith of government, the peace and safety of society, would not permit them, to continue any longer passive spectators of the violence committed on their fellow citizens.* These letters, and sundry other papers relating to the disputes with New Hampshire, were laid before Congress, May 29th, 1779, and were referred to a committee of the whole. On June first, Congress resolved, "that a committee be appointed to repair to the inhabitants of a certain district, known by the name of the New Hampshire grants, and inquire into the reasons why they refuse to continue citizens of the respective states, which heretofore exercised jurisdiction over the said district. And that they take every prudent measure to promote an amicable settlement of all differences, and prevent divisions and animosities, so prejudicial to the United States."†

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* Patterson's letter to governor Clinton, of May 5, 1779; and Minot's Petition of May 4, 1779.

† Clinton's letter to S. Minot, of May 14, 1779.

While the governor of New York was taking these measures with the party that adhered to him in Vermont, and with Congress, Allen marched with an armed force, and made prisoners of the colonel, and militia officers, who were acting under the authority of New York. Complaint was immediately made to governor Clinton, with an earnest request, that he would take the most speedy and effectual measures for their relief.‡ On June the 7th, Mr. Clinton wrote again to Congress, informing them what had happened, disapproving of their measures, and particularly of the appointment of a committee to confer with the inhabitants; and wishing their journey might be postponed, until the legislature of New York should be convened, and take the resolution of Congress under consideration. On the 16th, Congress resolved that the officers who had been thus restrained of their liberty, ought to be immediately liberated; and that their committee who were appointed to confer with the inhabitants should be directed to make inquiry into the matters and things contained in governor Clinton's letters; and that all further proceedings be postponed, until they should report.*

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* Clinton's letter to Congress, of May 18, 1779.

† Journal of Congress, June 1, 1779, p. 237.

‡ S. Minot's letter to governor Clinton, of May 25, 1779.

FIVE commissioners were appointed to repair to Vermont; Of these, but two, Dr. Witherspoon, and Mr. Atle, attended. These gentlemen repaired to Bennington, in June; made many inquiries, and had several conferences with the friends of Vermont, and with others who were in the interest of New York. They proposed several questions to the governor of Vermont, to which he returned written answers, Their aim seems to have been, to bring about a reconciliation between the parties. Upon their return they made a report to Congress, July 13th; but which evidently denoted, that no part of the business on which they were sent, had been effected.†

FOUR different claims were now before Congress, to the same tract of country; and the controversy had become so intricate, and warm, that very serious consequences were justly to be feared. It became necessary for Congress to interpose; and as all parties had appealed to that body, they could no longer avoid coming to some resolutions upon a matter, which seemed essentially to concern the union of the states. Accordingly, on September 24, 1779, Congress, among other resolves, passed the following: "Resolved unanimously, That it be, and hereby is most earnestly recommended, to the states of New Hampshire, Massachusetts Bay, and New York, forthwith to pass laws, expressly authorising Congress, to hear and determine all differences between them, relative to their respective boundaries. Resolved unanimously, That Congress will, on the first day of February next, proceed without delay, to hear and examine into the disputes and differences relative to jurisdiction aforesaid, between the said three states respectively, or such of them as shall pass the laws beforementioned on the one part, and the people of the district aforesaid, who claim to be a separate jurisdiction on the other, and after a full and fair hearing, will decide and determine the same according to equity. Resolved unanimously, That it is the duty of the people of the district aforesaid, who deny the jurisdiction of all the aforenamed states, to abstain in the mean time, from exercising any power over any of the inhabitants of the said district, who profess themselves to be citizens of, or to owe allegiance to any or either of the said states, but that none of the towns, either on the east or west side of Connecticut river, be considered as included within the said district, but such as have hitherto actually joined in denying the jurisdiction of either of said states, and have assumed a separate jurisdiction, which they call the state of Vermont. And further, That in the opinion of Congress, the said three states aforenamed, ought in the mean time to suspend executing their laws over any of the inhabitants of said district, except such of them, as shall profess allegiance to, and confess the jurisdiction of the same respectively. Resolved unanimously, That in the opinion of Congress, no unappropriated lands or estates, which are or may be adjudged forfeited or confiscated, lying in said district, ought until the final decision of Congress in the premises, to be granted or sold."*

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* Journal of Congress, June 16, 1779, p. 259, 260

† Account of the proceedings of Mr. Witherspoon, and Mr. Atle.

From these resolutions it was apparent, that the views of Congress were to evade any determination, and to pacify and quiet all parties for the present; and that it was of much more importance, in their view, to preserve the union and affection of the three states, than that of Vermont. At a time when the fate of America depended upon preserving the union of the states, and all might have been lost by the disaffection of any one, perhaps this evasive policy was the best. It seems to have quieted all parties but Vermont. The states of New Hampshire, and New York, passed the acts which Congress had called for. Massachusetts did not, and probably with a view to prevent the district of Vermont from being sacrificed by either, or both of the other states.

It was impossible that Vermont should comply with the resolves of Congress. To have four separate jurisdictions existing at the same time, in the same territory, as the resolutions recommended, would at any time have been absurd and impossible; least of all was it to be admitted or attempted, after the people had declared themselves to be a free and independent state, assumed the powers of government, and exercised them in all cases, and in every part of the state. They had already formed their constitution, enacted a code of laws, erected courts of justice, and fully exercised all the powers of government. The plan of four separate jurisdictions, which Congress proposed, was incompatible with any state of society; and the more dangerous, as New York was constantly aiming to break up the government of Vermont, by granting commissions to her adherents, encouraging informers, and promoting disaffected persons, in every part of the territory; and at the same time, denied their titles to their lands, and all the public acts of the state.

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* Journal of Congress, September 24, 1779.

NOTHING remained for Vermont in this situation, but to take a decisive part; and support with firmness and resolution, the independence which her representatives had declared, by the desire of the people. Her rulers did not prove deficient in resolution. Well acquainted with their own rights and interests, they determined not to sacrifice them, either to the intrigues of the adjacent states, or to the policy of Congress. The governor and council published an appeal to the candid and impartial world,* in which they declare that "they could not view themselves as holden either in the sight of God or man, to submit to the execution of a plan, which they had reason to believe was commenced by neighboring states: That the liberties and privileges of the state of Vermont, by said resolutions, are to be suspended upon the arbitrament and final determination of Congress, when in their opinion they were things too sacred ever to be arbitrated upon at all; and what they were bound to defend, at every risk: That the Congress of the United States had no right to intermeddle in the internal police, and government of Vermont: That the state existed independent of any of the thirteen United States, and was not accountable to them, or to their representatives, for liberty, the gift of the beneficent creator: That the state of Vermont was not represented in Congress, and could not submit to resolutions passed without their consent, or even knowledge, and which put every thing that was valuable to them, at stake: That there appeared a manifest inequality, not to say predetermination, that Congress should request of their constituents power to judge and determine in the cause, and never ask the consent of thousands, whose all was at stake: They also declared that they were, and ever had been ready to bear their proportion of the burden and expense of the war with Great Britain, from its first commencement, whenever they were admitted into the union with the other states: But they were not so lost to all sense, and honor, that after four years war with Britain, in which they had expended so much blood and treasure; that they should now give up every thing worth fighting for, the right of making their own laws; and choosing their own form of government, to the arbitrament and determination of any man, or body of men, under heaven."

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* Drawn up by Stephen R. Bradley, Esq. published Dec. 10, 1779.

IT seems to have been the desire and expectation of all parties, that Congress should take up the matter, as they had proposed, on February 1, 1780. Vermont had now acquired such numbers, popularity, and power, that much was to be expected from having her claims thoroughly understood, and considered by the United States. But instead of being decided, the matter was not taken up at all, on the first of February; and on March 21st, it was ordered by Congress that the matter be postponed, nine states, exclusive of those who were parties in the question, not being represented.* On June second, Congress resolved that the proceedings of the people of the New Hampshire grants were highly unwarrantable, and subversive of the peace and welfare of the United States; and that they be strictly required to forbear from any acts of authority, civil or military, over those of the people, who professed allegiance to other states: And on June the ninth, they resolved to defer the matter to the second Tuesday in September.† Upon the receipt of these resolves, the governor of Vermont, by the advice of his council, replied, that "however Congress might view those resolutions, they were considered by the people of Vermont, as being in their nature subversive of the natural right which they had to liberty and independence, as well as incompatible with the principles on which Congress grounded their own right to independence, and had a natural and direct tendency to endanger the liberties of America; that Vermont being a free and independent state, had denied the authority of Congress to judge of their jurisdiction; that as they were not included in the thirteen United States, if necessitated to it, they were at liberty to offer or accept terms of cessation of hostilities with Great Britain, without the approbation of any other man, or body of men; for, on proviso that neither Congress, nor the legislatures of those states which they represent, will support Vermont in her independence, but devote her to the usurped government of any other power, she had not the most distant motive to continue hostilities with Great Britain, and maintain an important frontier, for the benefit of the United States, and for no other reward than the ungrateful one, of being enslaved by them; but notwithstanding the usurpations and injustice of neighboring governments towards Vermont, and the late resolutions of Congress, from a principle of virtue, and close attachment to the cause of liberty, as well as from a thorough examination of their own policy, they were induced once more to offer union with the United States of America, of which Congress were the legal representative body."*

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* Journal of Congress, March 21, 1780, p. 48, 49.
† Journal of Congress, March 21, 1780, p. 81, 82, 84.

In September, there seems to have been a more serious attempt, to bring the contest to some decision. The claims of New Hampshire, and New York, were put in; and both these states pleaded that Vermont had no right to independence, but belonged to them. The agents of Vermont were also present,* but were not considered or treated by Congress, as the agents or representatives of any state, or of a people invested with legislative authority. They announced their business to Congress, and requested that when any debates came before Congress, which might affect the rights, the sovereignty, or independence of the state of Vermont, they might be admitted to be present. On September 19th, they received a notification to attend Congress that day, on the hearing of the question respecting the jurisdiction of the New Hampshire grants. On that day, and the next, the agents from New York exhibited their evidence to show that the people on the New Hampshire grants, belonged to them, and had no right to a separate and independent jurisdiction. The question respecting the right to jurisdiction, Vermont had always refused to submit to the determination of Congress: And the agents were alarmed, to find by the mode of proceeding, that Congress was admitting evidence to decide this question, without admitting Vermont as one of the parties; or considering her agents in any other character, than that of private persons. They esteemed it their duty, to protest against the whole proceeding; and on September twenty second, they presented a remonstrance to Congress: They declare they can no longer sit as idle spectators, without betraying the trust reposed in them, and doing violence to their own feelings; that by the mode of trial which was adopted, the state of

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* Governor Chittenden's letter to Congress, of July 25th, 1780.

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* The Honorable Ira Allen and Stephen R. Bradley.

Vermont could have no hearing, without denying their own existence, and that they would not take on themselves that humility and self abasement, as to lose their political life in order to find it ; they declared their readiness to bear a full proportion in all the expences of the American war, until it should be ended, and their willingness that one or more of the legislatures of the independent states, should interpose as mediators, and settle the dispute ; but reprobate every idea of Congress sitting, as a court of judicature, to determine the dispute by virtue of authority given them, by the act or acts of the state or states, which made but one party ; they conclude with observing, that if the matter is thus pursued, they stand ready to appeal to God and the world, who must be accountable for the awful consequences that may ensue.* Having heard the evidence on the part of New Hampshire, on September 27th, Congress resolved that the further consideration of the subject should be postponed.†

At no time had the spirit of parties run higher, than at this period. During the whole of this trial, it does not appear that either of the contending parties, had any ideas of conciliatory measures ; all seem to have been determined to effect their purposes : And although Vermont was not admitted to appear as one of the parties before Congress, her expectations and prospects, had at no time been so high. She well understood the ground, on which she stood ; and it was generally believed in the other states, that some of her leading men would incline to join with Canada, and make the best terms they could with the British government, if no alternative was held out to them, but submission to the government of New York. In this state of the parties it was as dangerous to the American cause, to decide against Vermont, as against New Hampshire, or New York. Congress felt, and wisely endeavored to avoid the difficulty: A question was made, whether Congress had any power to form a new state, within the limits of the union. Those who remember the virulence of these parties, and the precarious situation of the American contest at that time, will not wonder that Congress found reasons, to avoid coming to any decision at that period; for no decision could have been made, that would not have proved highly irritating to some of those states, already too much inflamed, by the violence, and duration of the controversy.

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* Remonstrance of Ira Allen and Stephen R. Bradley to Congress, September 22, 1780. Appendix, No. X.

† Journal of Congress, September 12. 19, 20. 27. 1780, p. 186—197.

Disappointed in her expectations of admission into the federal union, and alarmed by the measures that were pursued by New Hampshire and New York, Vermont now endeavored to increase her own internal strength, by pursuing the same measures, that had been adopted by those states, of claiming jurisdiction. Most of the inhabitants of the towns in the western parts of New Hampshire, were desirous of being annexed to the government of Vermont; There were others, who wished to support the New Hampshire claim, and aimed to extend her jurisdiction over the whole of Vermont. A convention was proposed, and letters were sent by several influential men in the interest of New Hampshire, inviting the western towns to send representatives, to attend a convention at Charlestown. The convention was held, January 16th, 1781; and consisted of representatives from forty three towns. To the disappointment of those who had proposed the measure, a large majority of the convention, appeared to be in favor of joining with the government of Vermont. A committee was appointed to confer with her assembly, on that subject: And on February 10th, the committee informed the assembly, then sitting at Windsor, that "the convention of the New Hampshire towns, was desirous of being united with Vermont, in one separate independent government, upon such principles as should be mutually thought the most equitable and beneficial to the whole." In consequence of this application, the legislature resolved, on February 14th, that "in order to quiet the present disturbances on the two sides of the river (Connecticut) and the better to enable the inhabitants on the two sides of said river to defend their frontier, the legislature of this state, do lay a *jurisdictional claim* to all the lands whatever, east of Connecticut river, north of the Massachusetts, west of the Mason line, and south of latitude forty five degrees; and that they do not exercise jurisdiction for the time being." The convention of the New Hampshire towns, was then sitting at Cornish, on the opposite side of the river; and on February twenty second, the articles of union were agreed upon and confirmed; and the assembly of Vermont resolved, that they should be held sacred.*

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* Journal of the assembly of Vermont, Vol. I, p. 356.

A petition had also been received from a number of the inhabitants in the adjacent parts of New York, praying that Vermont would afford them protection against the enemy in Canada, and receive them into union with her, that their forces might be mutually joined for the defence of the frontiers; informing at the same time, that if their petition was rejected, they must remove with their families and effects, into the interior parts of the country for safety. This petition of the inhabitants, the necessity of defending the frontiers, and the measures New York was pursuing to subdue Vermont, were assigned as reasons by the legislature, why Vermont ought to receive those inhabitants, into her union: Accordingly, on February 14th, it was resolved, "that the legislature of this state, do lay a jurisdictional claim, to all the land situate north of the north line of the state of Massachusetts, and extending the same to Hudson's river; the east of the center of the deepest channel of said river, to the head thereof; from thence east of a north line, being extended to latitude forty five degrees; and south of the same line, including all the lands and waters to the place where this state now exercise jurisdiction. And not to exercise jurisdiction for the time being."*

THUS, while New Hampshire and New York were extending their claims over the whole territory of Vermont, Vermont adopted the same policy; and in conformity to the petition of the inhabitants, extended her claim over a large part of the territory of both these states.

GREAT success attended this policy: Not

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* Journal of the aſsembly of Vermont, Vol. I, Feb. 14, 1781.

only the sixteen towns in New Hampshire which had formerly joined, but those in Vermont which had been disaffected upon the dissolution of the former union, and those that had been attached to New York; immediately joined in the measure. Most of the towns in the adjacent counties of Cheshire, and Grafton, in New Hampshire, declared for the union: And at a session of the assembly of Vermont in April, thirty five towns in the western parts of New Hampshire, were represented. The adjacent settlements in New York generally embraced the same measures, and several petitions were received from their inhabitants at this session of the assembly, requesting the legislature of Vermont, to exercise jurisdiction over them without any further delay. A committee was appointed by the assembly, to confer with a convention of those districts; and on May 15th, articles of union were agreed to, by the representatives of twelve districts in New York, and the committee from Vermont. On the 16th of June, these articles were confirmed by the legislature, and representatives from ten of the districts took their seats in the assembly of Vermont.†

MANY circumstances had combined, to produce this union of the people, in favor of Vermont; and one of a singular nature, had served to reconcile those, who had been unfriendly to the cause of America; it was generally believed that negociations, were at this period, carried on between some of the leading men in Vermont, and the British generals in Canada, and New York. This report served to engage the adherents to British government, to espouse the measures of the new state: And such was the increase of numbers, popularity, and power, which Vermont had now acquired, that she had in fact nothing to fear from the power, or from the policy of her opposers: And notwithstanding the resolves of Congress, the assembly proceeded to make grants of their lands, without paying any regard to the grants which had been made by New York; those only excepted, which had been made in confirmation of the former grants from New Hampshire.

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† Journal of the assembly of Vermont, Vol. I, June 16, 1781.

FROM these contests respecting Vermont, the British generals and ministers conceived high expectations, that they should be able to derive great advantages. Unacquainted with the feelings, the views, or the spirit of a people, contending for freedom, they calculated upon the system of corruption; and had no doubt but they should find a people in Vermont, that they could seduce from their attachment to the American cause, and unite to the British government. With this view they entered upon measures, to persuade Vermont to become a British province.

THE wish and aim of the British general in New York, was first announced in a letter from colonel Bev. Robinson, to Ethan Allen, at that time a colonel in the American service. The letter was dated New York, March 30th, 1780; and delivered to Allen in the street at Arlington, in July, by a British soldier in the habit of an American farmer. In this letter, Robinson began the business thus: "I am now undertaking a task which I hope you will receive with the same good intention, that inclines me to make it. I have often been informed that you, and most of the inhabitants of Vermont, are opposed to the wild and chimerical scheme of the Americans, in attempting to separate this continent from Great Britain, and to establish an independent state of their own; and that you would willingly assist in uniting America again to Great Britain, and restoring that happy constitution we have so wantonly and unadvisedly destroyed. If I have been rightly informed, and these should be your sentiments and inclination, I beg you will communicate to me, without reserve, whatever proposals you would wish to make to the commander in chief; and I hereby promise that I will faithfully lay them before him, according to your directions, and flatter myself, I can do it to as good effect as any person whatever. I can make no proposals to you, until I know your sentiments, but think upon your taking an active part, and embodying the inhabitants of Vermont in favor of the crown of England, to act as the commander in chief shall direct, that you may obtain a separate government, under the king and constitution of England, and the men, formed into regiments under such officers as you shall recommend, be on the same footing as all the provincial corps are. If you should think proper to send a friend of your own, here, with proposals to the general, he shall be protected, and well treated here, and allowed to return whenever he pleases."* On the receipt of this letter, Allen immediately communicated it to the governor, and a number of the principal gentlemen in Vermont; who agreed in opinion, that it was most prudent not to return any answer, but to let the matter pass into oblivion.

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* Copy of Robinson's letter, by E. Allen.

On February second, 1781, Robinson wrote another letter to Allen, including a copy of the former, which he supposed had been miscarried, as he had not received any answer. In this he writes, "The frequent accounts we have had for three months past, from your part of the country, confirms me in the opinion I had of your inclination to join the king's cause, and to assist in restoring America, to her former peaceable and happy constitution. This induces me to make another trial, in sending this to you; especially as I can now write with more authority, and assure you, that you may obtain the terms mentioned in the above letter, provided you, and the people of Vermont take a decisive and active part with us."* He requests an answer, and that some method might be pointed out, for carrying on a correspondence for the future; and information, in what manner the people of Vermont could be the most serviceable to the British government, "either by acting with the northern army, or to meet and join an army from New York."

Allen returned no answer to either of these letters, but on March 9th, 1781, inclosed them in a letter to Congress, informing them of all the circumstances which had attended the business. In his letter to that body, he made several observations, justifying the conduct of

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* Copy of Robinson's letter of Feb. 2, 1781, by E. Allen,

Vermont, asserting her right to independence, and expressing his determinate resolution, to do every thing in his power to establish it. Conscious of his own integrity, and sensible that his activity and sufferings in the cause of his country, were known to all America, he wrote in this style : "I am confident that Congress will not dispute my sincere attachment to the cause of my country, though I do not hesitate to say, I am fully grounded in opinion, that Vermont has an indubitable right to agree on terms of a cessation of hostilities with Great Britain, provided the United States persist in rejecting her application for an union with them : For Vermont, of all people would be the most miserable, were she obliged to defend the independence of the United claiming States, and they, at the same time, at full liberty to overturn and ruin the independence of Vermont. I am persuaded, when Congress consider the circumstances of this state, they will be more surprized that I have transmitted them the inclosed letters, than that I have kept them in custody so long ; for I am as resolutely determined to defend the independence of Vermont, as Congress are, that of the United States ; and rather than fail, will retire with the hardy Green Mountain Boys, into the desolate caverns of the mountains, and wage war with human nature at large."*

An event took place in the spring of the year 1780, which furnished the British with an opportunity, to make a similar attempt from Canada. A number of men had been made prisoners in a descent, which had been made by some of their scouting parties, and carried prisoners to Canada. Their friends applied to governor Chittenden to send a flag into Canada, to negociate their release, or exchange. The governor complied with their request, and in the month of July, a flag was sent with a letter to the commanding officer in Canada. In the fall, the British came up lake Champlain in great force: The commanding officer brought a very favorable answer from general Haldimand, to governor Chittenden's letter; and sent a flag to Ethan Allen, then a brigadier general, and commanding officer in Vermont, proposing a cessation of hostilities with Vermont, during a negociation for the exchange of prisoners. Allen agreed to the proposal, upon condition that it should extend to the adjacent frontiers of New York. The British officer appeared to be unwilling to treat with any part of America, but Vermont; but finally agreed to every thing, which Allen proposed.

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* E. Allen's letter to the president of Congress, March 9th, 1781.

BEFORE the enemy retired into their winter quarters, colonel Ira Allen, and major Joseph Fay, were appointed by the governor of Vermont, commissioners to negociate the proposed exchange of prisoners. They proceeded to treat with the British agents, captain J. Sherwood and George Smyth, on this subject. The British agents availed themselves of this opportunity, to explain their views, to make their proposals, and to offer as complete an establishment for Vermont, from the royal authority, as should be desired. The commissioners from Vermont treated the proposals with affability, and good humour; and though they avoided bringing any thing to a decision, the British concluded, they were in a fair way to effect their purposes; but unfortunately for themselves and for Vermont, in the month of October, a party of Indians made a descent, and did much mischief at Royalton.

The next year, the British entered upon the business, with high expectations of success; and it was the interest of Vermont, not to undeceive them. New York had withdrawn their troops, from the post at Skeensborough; all the continental troops, had been ordered out of the territory; and the adjacent states, did not afford them any assistance. The people of Vermont were exposed to the whole force of the enemy in Canada, and had neither magazines, money, or an army, to oppose to the enemy at the northward, who were seven thousand strong. No way of safety remained for Vermont, but to endeavor to effect that by policy, which could not be done by power. The cabinet council concluded, that they were designedly forsaken by the continent, to force them into a submission to New York; and that it was clearly their duty to provide for the safety of the people, in the only way that remained, by managing the British attempts to corrupt them, to their own advantage.*

On May first, colonel Ira Allen was sent to Canada, with a commission to negociate the exchange of prisoners. The British agents concluded, that the day of their complete success, was at hand: They complied with every thing which Allen required; and urged incessantly to have Vermont declare itself a British province; with assurances, that every thing she could ask for should be granted by the British generals, and confirmed by the king, in the most ample manner. Colonel Allen was fully equal to the business, which had been entrusted to him; and both he, and his employers, were among the firmest friends to the independence of Vermont, and of America. With a singular talent at negociation, he suffered the British agents to deceive themselves with an idea of their own success, and completely effected his own views, in leading the enemy into an agreement, that no hostilities should be commenced against the state of Vermont. In July, major Joseph Fay was sent to the enemy on lake Champlain, and completed an exchange of prisoners: And in September, Allen and Fay, had another conference with the British agents; which like the former, left the British in high expectations of making Vermont a British province; and procured to Vermont the solid advantages, that the enemy avoided all hostilities against her, and returned all her inhabitants, which had been taken prisoners.

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* Governor Chittenden's letter to General Washington, of November 14th, 1781.

On October 19th, 1781, lord Cornwallis surrendered with his army to general Washington. When the news of this important event arrived, the general assembly of Vermont were sitting at Charlestown. The enemy had come up the lake with a large force, and were then at Ticonderoga. They had concluded, that their business was so far effected with Vermont, that they might make an open proclamation of their designs and offers. Their agents had accordingly brought with them, a number of printed proclamations, announcing the royal offers to the people of Vermont, and inviting them to unite, and become very happy, as a royal province, under the king's government. The British agents sent on their letters to Charlestown, announcing the measures they were pursuing, and proposing to publish and disperse their proclamations, immediately among the people. They were told in answer, that the news of Cornwallis's surrender, would render such a step extremely dangerous, and was the sure way to prevent all prospect of success; and that they must wait, until time should determine, what was practicable and prudent. Mortified by the disaster of Cornwallis, but comforted with groundless expectations and hopes, they returned in a peaceable manner down the lake, and went into winter quarters, without having done any injury to Vermont, through the whole campaign.

IN the winter of 1782, the enemy in Canada, were extremely impatient to know, what effect the surrender of Cornwallis had produced on the minds of the people of Vermont. In February and in April, the British agents wrote in the most pressing terms for information. Their anxiety and views will best appear, from the style of their letters: The following extract, is from a letter from one of the British agents, dated 28th February, 1782, "My anxiety to hear from you, induced me to apply to his excellency [general Haldimand] for leave to send the bearer, with this; which having obtained, I earnestly request you to send me in the most candid, unreserved manner, the present wishes and intentions of the people, and leading men of your state, respecting our former negociations; and what effect the late catastrophe of lord Cornwallis, has on them. Will it not be well to consider, the many chances and vicissitudes of war? However brilliant the last campaign may appear, the next may wear a very different aspect: Add to this, the great probability of your being ruined, by your haughty neighbors, elated by (what they call) a signal victory; and I hope you will see as I do, that it is more than ever your interest, to unite yourselves with those, who wish to make you a happy and free government. Will there be a proper time to send the proclamations? I repeat my request, that you will tell me, without reserve, what may be expected in future."

ON the 22d of April, the British agents write in this style: "In confidence, we take this opportunity to acquaint you, by the authority of his excellency, general Haldimand, that he is still inclined to treat amicably with the people of Vermont; and these his generous and humane inclinations, are *now* seconded by much stronger powers from his majesty, than he has hitherto enjoyed for that purpose. We do in confidence, officially assure you, that every article proposed to you in his excellency's former offer, as well as the confirmation of the east and west unions, in their utmost limits, will be amply and punctually complied with. We hope, your answer may be such, as to unburden our anxious minds." Extremely fearful about the event, and impatient at not receiving an answer, on April 30th, they wrote again, and carried their offers and promises to a still greater extent: "His excellency has never lost sight of his first object; and I am happy to be able in this, to inform you, that the general has lately received by way of Halifax, full powers from the king to establish V..........t government, including the full extent of the east and west unions, with every privilege and immunity, formerly proffered to you; and he is likewise fully authorized, as well as sincerely inclined, to provide amply for *****, and to make ***** brigadier general in the line, ********** field officers, with such other rewards, as your sincerity, and good services in bringing about the revolution, may in future merit. In short, the general is vested with full powers, to make such rewards, as he shall judge proper, to all those, who distinguish themselves, in promoting the happy union: And as his excellency has the greatest confidence in you, and *****, much will depend on your recommendations."

In July, colonel Ira Allen was sent again into Canada, with a letter from the governor of Vermont, to general Haldimand, requesting the release of two officers, belonging to Vermont, who were then prisoners in Canada. The British agents were uncommonly desirous, of bringing their negociations with Vermont, to an immediate decision. All the arts of negociation were employed, on the one hand, to persuade Vermont to declare herself a British province; and, on the other, to avoid this step, without bringing on a renewal of hostilities. A secret treaty was offered, and much urged: And in the event, Haldimand agreed to continue the suspension of hostilities; and wrote a very friendly letter to governor Chittenden, fully complying with his request of liberating the prisoners, and announcing his pacific disposition towards Vermont, in this unequivocal manner; "You may rest assured that I shall give such orders, as will effectually prevent hostilities of any kind, being exercised in the district of Vermont, until such times as a breach on your part, or some general event, may make the contrary my duty. And you have my authority, to promulgate, in such manner, as you shall think fit, this my intention, to the people of the said district, that they may, without any apprehension, continue to encourage and promote the settlement and cultivation of that new country, to the interest and happiness of themselves, and their posterity."*

WITH this year, the war, and the negociations, came to an end; leaving favorable impressions on the government of Canada, towards Vermont. The last letter the British agents wrote upon the business, was on March twenty fifth, 1783; before the news of the peace was officially known, or fully believed in Canada. Their views and sentiments, at that period, were thus expressed, "I am commanded to acquaint you, that actuated from the beginning, by a sincere desire of serving you, and your people, as well as of promoting the royal cause, by reuniting you with the mother country, his excellency never lost an opportunity of representing every circumstance that could be advanced in your favor, to the king's ministers, in the hope of accomplishing a reconciliation. His excellency will continue by such representations, to do all in his power, to serve you, but what effect it may have, at this late period, is very uncertain. While his excellency sincerely regrets the happy moment, which it is much to be feared, cannot be recalled, of restoring to you the blessings of the British government, and views with concern the fatal consequences approaching, which he has so long, and so frequently predicted, from your procrastination, he derives some satisfaction from a consciousness of not having omitted a circumstance, which could tend to your persuasion, and adoption of his desired purpose. In the present uncertain state of affairs, uninformed as his excellency is, of what is doing, or perhaps done, in a general accommodation, he does not think fit, until the result shall be known, to give any opinion, which may influence you, perhaps to the prejudice of your interests, or that might interfere with the views of government. If the report now prevailing, has any foundation, a very short time will determine the fate of Vermont. Should any thing favorable present, you may still depend on his excellency's utmost endeavors, for your salvation."

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* Haldimand's letter to Governor Chittenden, dated Quebec, eighth August, 1782.

THUS terminated a correspondence, which occasioned many and various conjectures, at the time when it was carried on. On the part of the British, it consisted of constant attempts and endeavors to persuade the leading men of

Vermont, to renounce their allegiance to the states of America, and become a British province. On the part of the gentlemen of Vermont, the correspondence consisted of evasive, ambiguous, general answers and proposals; calculated, not to destroy the British hopes of seduction, but carefully avoiding any engagements or measures, that could be construed to be an act of the government; And it had for its object, a cessation of hostilities, at a time when the state of Vermont, deserted by the continent, and unable to defend herself, lay at the mercy of the enemy in Canada.

EIGHT persons only in Vermont, were in the secret of this correspondence.* Each of them, were known to be among the most confirmed friends, to the American cause. They had avowed their sentiments, and embraced the cause of their country, from the beginning of the American war: They had suffered severely, often borne arms, and done every thing in their power, to defend the independence of the states: And through the whole of this correspondence, they gave the most decisive proofs, that they could not be bought, or bribed, by any offers of wealth or honor. But so odious were the British proceedings and government, at that time, to the people of America, that it was with difficulty, the people of Vermont could be kept quiet, under the idea of a correspondence carried on with the British, though known to be designed for their protection. Once or twice,

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* Thomas Chittenden, Moses Robinson, Samuel Safford, Ethan Allen, Ira Allen, Timothy Brownson, John Fasset, Joseph Fay.—Governor Chittenden's information to the author, March 4, 1793.

there were small insurrections, to demand explanations. And nothing but the well known, and strong attachment of the gentlemen concerned, to the independence of Vermont and of America, could have preserved them from open violence and destruction.

It may be doubted, how far such a measure was justifiable, in that, or in any other state of things. On the one hand, it may be said, when the safety of all America was in question, and in much danger, nothing ought to have been done to encourage the enemy, that they should be able to divide, and thus subdue the continent. On the other hand, it may be urged, that when thirty thousand people were deserted by the Congress, and become the objects of the intrigues and policy of the adjacent states, it was as justifiable and necessary for them, to provide for their safety, as it was for the rest of the continent. If there was no other alternative for the people of Vermont, than to be divided, subdued, and delivered over to the power of their ancient enemies; their leaders will not be blamed, for taking necessary and adequate measures, to prevent such an evil. In such a situation, it was scarcely possible for the people of Vermont to believe, that they could be under any moral obligation, to sacrifice themselves, to procure independence for those, who by the act of their representatives, had rejected them from their confederation.

BUT whatever may be thought respecting the propriety of such policy, the event shewed, that the gentlemen of Vermont had formed a sound judgment, with regard to the effect. Flattered with the prospect, that they should draw off a considerable part of the continent, to their government and measures, the British carefully avoided all hostilities against Vermont, restored her prisoners, forbade their troops to enter or attack her territory, and considered the people rather in the light of friends, than enemies. Thus while the British generals were fondly imagining that they were deceiving, corrupting, and seducing the people of Vermont, by their superior arts, address, and intrigues; the wiser policy of eight honest farmers, in the most uncultivated part of America, disarmed their northern troops, kept them quiet and inoffensive during three campaigns, assisted in subduing Cornwallis, protected the northern frontiers, and finally saved a state.

NOT only the British generals, but so much was the British government deceived by these appearances, that the ministers flattered themselves, that they had nearly effected the defection of Vermont from the American cause, and drawn them over to the British interest. Lord George Germain was at that time minister of state, for the American department. A letter which he wrote to sir Henry Clinton, commander of the British troops in New York, was intercepted and carried into Philadelphia. The letter was dated Whitehall, February 7, 1781, in which he wrote thus; "The return of the people of Vermont to their allegiance, is an event of the utmost importance to the king's affairs; and at this time, if the French and Washington really meditate an irruption into Canada, may be considered as opposing an insurmountable bar to the attempt. General Haldimand, who has the same instructions with you to draw over those people, and give them support, will, I doubt not, push up a body of troops, to act in conjunction with them, to secure all the avenues, through their country into Canada; and when the season admits, take possession of the upper parts of the Hudson and Connecticut rivers, and cut off the communication between Albany and the Mohawk country. How far they may be able to extend themselves southward, or eastward, must depend on their numbers, and the disposition of the inhabitants."

This letter was published in the Pennsylvania Packet, of August 4th, 1781. Nothing could have been better suited to promote the interests of Vermont, than the style, and publication of this letter. The people of the United States, had now complete evidence that the British generals in New York and Canada, had orders to receive and support the people of Vermont, and that the British ministry were persuaded of their disposition to join the British government. They saw at once, the effect this must have upon the American war; and they knew at the same time, that nothing was wanting to prevent it, but to admit Vermont into the union of the states. The public opinion was now decidedly in favor of this measure: And it was found that the leaders of Vermont were fully equal to the business they had undertaken; and while they had acted with great spirit and firmness, in every part of the American war, they had discovered the same activity and intrepidity, in every part of the contest respecting the independence of their own state. No policy, it was every where urged, could be more dangerous, than to hazard the success of the American cause, upon a dispute with a people, whose exertions had fully shown that they deserved all the blessings of freedom, to as great an extent as any of their neighbors; and whose ability and enterprise would not fail to secure it, in one form or another. What gave weight to the public opinion, was the general belief that the commander of the American forces, was fully of the same opinion.

The congress of the United States immediately took up the matter, and formed their resolves in a style very different from what they had done, the year before. Their resolves were officially transmitted to the legislature of Vermont, and were in the following words: "By the *United States* in Congress assembled, August 7, 1781. Whereas the states of New Hampshire and New York have submitted to Congress, the decision of the disputes between them, and the people inhabiting the New Hampshire grants, on the west side of Connecticut river, called the state of Vermont, concerning their respective claims of jurisdiction over the said territory, and have been heard thereon; and whereas the people aforesaid claim and exercise the powers of a sovereign, independent state, and have requested to be admitted into the federal union of the United States in America; in order thereto, and that they may have an opportunity to be heard in vindication of their said claim; Resolved, That a committee of five be appointed to confer with such person or persons, as may be appointed by the people residing on the New Hampshire grants, on the west side of Connecticut river, or by their representative body, respecting their claim to be an independent state; and on what terms it may be proper to admit them into the federal union of these states, in case the United States in Congress assembled shall determine to recognize their independence, and thereon to make report. And it is hereby further recommended to the people of the territory aforesaid, or their representative body, to appoint an agent or agents to repair immediately to Philadelphia, with full powers and instructions to confer with the said committee, on the matters aforesaid, and on behalf of the said people, to agree upon, and ratify terms and articles of union and confederation with the United States of America, in case they shall be admitted into the union. And the said committee are hereby instructed to give notice to the agents of the states of New Hampshire and New York, to be present at the conference aforesaid." Agents attended on behalf of Vermont, and on August the 18th, had a conference with a committee of Congress.*

"August 20, 1781. Resolved, That it be an indispensable preliminary, to the recognition of the independence of the people, inhabiting the territory called Vermont, and their admission into the federal union, that they explicitly relinquish all demands of lands or jurisdiction, on the east side of the west bank of Connecticut river, and on the west side of a line beginning at the northwest corner of the state of Massachusetts, thence running twenty miles east of Hudson's river, so far as said river runs northeasterly in its general course, then by the west bounds of the townships granted by the late government of New Hampshire, to the river running from South bay to Lake Champlain, thence along the said river to Lake Champlain, thence along the waters of Lake Champlain to the latitude forty five degrees north, excepting a neck of land, between Missiskoy bay, and the waters of Lake Champlain."*

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* Appendix, No. XI.

With these resolves of Congress, a verbal message was sent by general Washington to governor Chittenden, desiring to know what were the real designs, views, and intentions of the people of Vermont: Whether they would be satisfied with the independence, proposed by Congress; or had it seriously in contemplation, to join with the enemy, and become a British province. The governor returned an unequivocal, and decisive answer. That there were no people on the continent, more attached to the cause of America, than the people of Vermont; but that they were fully determined, not to be put under the government of New York, that they would oppose this by force of arms, and would join with the British in Canada, rather than to submit to that government.†

In October, the general assembly of Vermont, met at Charlestown in New Hampshire. The resolutions of Congress were laid before them; but although the resolves held out all that Vermont had at first claimed, or had ever expected to obtain, they did not produce a full confidence in Congress ; nor did they fall in with the views of those towns, which had joined Vermont, from New Hampshire and New York. When they had been debated, the assembly voted, October the 19th, that they could not comply with the resolutions of Congress, of August the 20th, without destroying the foundation of the universal harmony and agreement, that subsisted in the state, and a violation of solemn compact entered into by articles of union and confederation ; that they would remain firm in the principles, on which the state had first assumed government, and hold the articles of union, which connected each part of the state with the other, inviolate ; that they would not submit the question of their independence, to the arbitrament of any power ; but that they were willing and ready to refer the question of their jurisdictional boundary with New Hampshire and New York, to commissioners mutually chosen ; and when they should be admitted into the American union, they would submit any such disputes to Congress.*

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* Journal of Congress, Aug. 7th, and 20th, 1781, p. 166. 170.

† Gov. Chittenden's letter to General Waſhington, of Nov. 14, 1781.

The resolves of Congress, though they had not been accepted by Vermont, were considered by New York, as a virtual determination of her claims. The legislature of that state, on the 15th and 19th of November, passed a number of resolutions, and a solemn protest, against the proceedings of Congress. Having stated their claims, and related some of the former proceedings of Congress relative to the controversy, they resolved, that the legislature of that state, was greatly alarmed at the evident intention of

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* Journal of Congress, April 4, 1782, p. 326—329.

Congress, from *political expedience*, to establish an *arbitrary* boundary, which excluded from that state, a great part of its territory; that it was the sense of the legislature, that Congress had not any authority, by the articles of confederation, to intermeddle with the former territorial extent of jurisdiction or property, of either of the United States, except in cases of dispute between two or more of the states in the union, nor to admit into the union, even any British colony except Canada, without the consent of nine states, nor any other state whatsoever, nor above all to create a new state by dismembering one of the thirteen United States, without their universal consent; that in case of any attempt of Congress to carry into execution their acts of the 7th and 20th of August, the legislature were bound in duty to their constituents, to declare the same an assumption of power, and a manifest infraction of the articles of confederation, and do therefore solemnly *protest* against the same; that a copy of their resolutions be transmitted to Congress, and their delegates expressly directed and required to enter their dissent on every step, which may be taken in and towards carrying the said acts of Congress into execution.*

ANXIOUS for the safety of Vermont, and wishing to avail himself of every measure to promote it, on November 14th, Governor Chittenden wrote to General Washington, on the subject, explaining to him their situation, difficulties, and views. In this letter, the governor placed great confidence in the general, and gave him an account of the transactions with the enemy; and assigned the reason, "Vermont, drove to desperation, by the injustice of those who should have been her friends, was obliged to adopt policy in the room of power;" and with regard to the last resolution of Congress, he ascribed them to their true cause, not the influence of their friends, but the power of their enemies; "Lord George Germain's letter wrought on Congress, and procured that from them, which the public virtue of this people could not obtain."

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* Journal of Congress, April 4, 1782, p. 329—334.

While these transactions were taking place, new scenes of difficulty, and of danger, were opening in the eastern and western unions. The sheriff of one of the counties of New Hampshire which had joined with Vermont, wrote to Governor Chittenden, that there was a high probability, that the government of New Hampshire were about taking coercive measures, to compel the citizens who had joined with Vermont to submit to the laws and authority of New Hampshire. The governor, on December 14th, wrote to General Paine, at that time lieutenant governor of the state, to call on the militia east of the green mountains, and assist the sheriff in the execution of the laws, and to defend the citizens against any insult; and if New Hampshire should make an attack with an armed force, to repel force by force. Mr. Paine sent a copy of the orders which he had received, to the president of New Hampshire, and wrote that if New Hampshire began hostilities, he should execute the orders he had received, and did not doubt but that the people would support him, with their most spirited exertions, and that New Hampshire must be accountable for the consequences.* With this letter, commissioners were sent to the general assembly of New Hampshire, to endeavor to accommodate matters, and prevent the effusion of blood.†

At the same time the troops of New York were in motion to suppress the proceedings of their citizens, who had formed an union with Vermont. On December 18th, their commander, brigadier general Gansevoort, wrote to the commanding officer of the troops from Vermont, that in pursuance of a law of New York, he had been detached with a part of his brigade, to suppress an insurrection of some of the inhabitants of Schaticook and Hoosac; that he was arrived to aid the sheriff of the county, to apprehend the insurgents; and was informed that a large body of troops from the grants, were marching in force, with artillery; but before he proceeded any further, he wished to be informed what was the object of their movement into the interior parts of that state, and by what authority.‡ Colonel Walbridge, commandant of the troops from Vermont, wrote in answer, that the object of their movement, was to protect those of the inhabitants, who in consequence of the union, professed allegiance to the state of Vermont; that he wished conciliatory methods might be adopted, but if those persons who professed to be citizens of Vermont, should be imprisoned, and their property destroyed, he was not to be answerable for the consequences.§

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* Mr. Paine's letter to President Weare, Dec. 21, 1781.

† General Roger Enos, Ira Allen and William Page.

‡ P. Gansevoort's letter, of December 18, 1781.

§ E. Walbridge's letter, of December 19, 1781.

ALL parties seem to have been seriously alarmed, at these prospects of a civil war: And happily for themselves, they had all of them, more moderation and wisdom, than to proceed to hostilities. Reflecting on the war with Great Britain, in which their country was so deeply engaged, they seem to have been fully convinced that no difference among the states, ought to be suffered to produce a war among themselves.

A controversy so full of mischief and danger to the United States, gave much concern to the commander in chief of the American army. Aware of the extremes to which all parties were tending, on January 1st, 1782, he returned an answer to governor Chittenden's letter, in which were these expressions; "It is not my business, neither do I think it necessary now, to discuss the origin of the right of a number of inhabitants to that tract of country, formerly distinguished by the name of the New Hampshire grants, and now known by that of Vermont. I will take it for granted that their right was good, because Congress, by their resolve of the 7th of August, imply it; and by that of the 21st, are willing fully to confirm it, provided the new state is confined to certain described bounds. It appears therefore, to me, that the dispute of boundary, is the only one that exists, and that being removed, all other difficulties would be removed also, and the matter terminated to the satisfaction of all parties. You have nothing to do but withdraw your jurisdiction to the confines of your own limits, and obtain an acknowledgement of independence and sovereignty, under the resolve of the 21st of August, for so much territory as does not interfere with the ancient established bounds of New York, New Hampshire, and Massachusetts. In my private opinion, while it behoves the delegates to do ample justice to a body of people sufficiently respectable by their numbers, and entitled by other claims to be admitted into that confederation, it becomes them also to attend to the interests of their constituents, and see, that under the appearance of justice to one, they do not materially injure the rights of others. I am apt to think this is the prevailing opinion of Congress."

It is only among a free people, that wisdom and virtue can have their full effects. The fortitude, the wisdom, the disinterestedness, with which Washington had conducted the affairs of the war, through one continued scene of hardship and danger, had given him an influence over the minds of the people, which no man in America, ever had before. It was not merely because he had proved the successful defender of his country, and the greatest general that had ever appeared in America, but it was the steadiness of his integrity and virtue which gave him such an influence over the minds of men: And while the politicians were every where striving for popularity and power, the most honourable and important of all distinctions, was reserved for him; a preeminence in the dominion of reason, wisdom, and virtue.

The assembly of Vermont met in February at Bennington. The letter from the general was laid before them, and it produced those effects which the general seems to have intended:

It corrected the errors of the government of Vermont, and produced a confidence in the resolves of Congress, recommended by the opinion and advice of Washington. After a full debate upon the matter, the assembly resolved to comply with the preliminary, required of them. Their proceedings were in this form:

" *State of Vermont, in General Assembly, Feb.* 22, 1782.

" The recommendation of the grand committee, consisting of his excellency the governor, the honorable the council, and the representatives of the people, on taking into consideration the resolutions of Congress respecting this state, in the month of August last, being read, is as follows: That in the sense of this committee, Congress by their resolutions of August last, in guaranteeing to the states of New York and New Hampshire respectively, all the territory without certain limits therein expressed, has eventually determined the boundaries of this state. And whereas it appears to this committee, consistent with the spirit, true intent, and meaning of the articles of union entered into by this state, with the inhabitants of a certain district of country, on the east side of the west banks of Connecticut river, and on the west side of a line twenty miles east of Hudson's river, which articles of union were executed on the twenty fifth day of February, and the fifteenth day of June last, that Congress should consider and determine the boundary lines of the state: It is recommended to the legislature of this state, to pass resolutions declaring their acquiescence in, and accession to the determination made by Congress of the boundary lines between the states of New Hampshire and New York respectively, and this state, as they are in said resolutions defined and described. And also, expressly relinquishing all claims to, and jurisdiction over, the said districts of territory without said boundary lines, and the inhabitants thereon residing.

CONFIDING in the faith and wisdom of Congress, that they will immediately enter on measures, to carry into effect the other matters in the said resolution contained, and settle the same on equitable terms, whereby this state may be received into and have and enjoy all the protection, rights, and advantages, of a federal union with the United States of America, as a free, independent, and sovereign state, as is held forth to us, in and by the said resolutions:

" AND that the legislature cause official information of their resolutions, to be immediately transmitted to the Congress of the United States, and to the states of New Hampshire and New York respectively.

" WHEREUPON resolved,

" THAT the foregoing recommendation be complied with, and that the west banks of Connecticut river, and a line beginning at the northwest corner of the state of Massachusetts, from thence northward twenty miles east of Hudson's river, as specified in the resolutions of Congress in August last, be considered as the east and west boundaries of this state. That this assembly do hereby relinquish all claims and demands to, and right of jurisdiction in, and over any and every district of territory, without said boundary lines. That authentic copies of this resolution be forthwith officially transmitted to Congress, and to the states of New Hampshire, and New York respectively."

Thus was dissolved an union which had been constantly acquiring numbers, extent, popularity, and power, from its first formation: Which, it was generally believed had prevented the division of Vermont, by New Hampshire and New York; and which if it had been continued, would probably have extended much further into those states. It was not without a struggle, that the measure could be effected; and it was not without resentment, that the members from the towns in New Hampshire and New York, found themselves excluded from a seat or a vote in the assembly, with which they had been connected by articles of union and confederation, which they supposed would have been perpetual.

HAVING thus fully complied with the resolves of Congress, the assembly concluded that all difficulties relating to their admission into the confederation of the states, were removed. They proceeded* to choose four agents and delegates, to represent the state of Vermont in Congress; and requested the governor to commission them with plenary powers, to negociate the admission of Vermont, into the confederation of the United States; and when the state was admitted, two of the agents were empowered to take their seats, and represent Vermont in Congress. The agents were accordingly commissioned, "to negociate and complete on the part of Vermont, the admission thereof into the federal union with the United States of North America. And in behalf of the state, to subscribe articles of perpetual union and confederation therewith."

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* February 28.

WHILE the assembly of Vermont was thus employed in effecting a compliance with the resolves of Congress, warm debates had taken place in that assembly, respecting the measures that ought to be pursued with Vermont. The refusal of the legislature in October, to comply with the resolve Congress had passed on August 20th, was viewed in a very unfavorable light. On March first, it was proposed in Congress to pass a resolve, that if within one month from the time in which the resolve should be communicated to Thomas Chittenden, the inhabitants of Vermont should comply with the resolves of August 7th and 20th, 1781, they should be immediately admitted into the union, but if they should refuse this, and did not desist from attempting to exercise jurisdiction over the lands guaranteed to New Hampshire, and New York, Congress would consider such neglect or refusal, as a manifest indication of designs hostile to the United States, and that all the pretensions and applications of the said inhabitants, heretofore made for admission into the federal union, were fallacious and delusive; and that thereupon the forces of the United States, should be employed against the inhabitants, and Congress would consider all the lands within the territory to the eastward of the ridge of mountains, as guaranteed to New Hampshire; and all the lands to the westward of said line, as guaranteed to New York; and that the commander in chief of the armies of the United States, do without delay or further order, carry these resolutions into full execution. But after warm debates, and repeated trials, a vote could not be obtained to adopt these resolutions, and the matter subsided.*

THE resentment Congress discovered, at Vermont's refusing to agree with her resolves, was but of short duration. In a few days the agents arrived at Philadelphia, and on March 31st, officially laid before that body, the compliance of the legislature of Vermont, with their resolutions of the 7th and 20th of August.

THE matter was referred by Congress, to a committee of five of their members. On the 17th of April, the committee made the following report: "In the sense of your committee, the people of the said district, by the last recited act, have fully complied with the stipulation made and required of them, in the resolutions of the 20th and 21st of August, as preliminary to a recognition of their sovereignty, and independence, and admission into the federal union of the states. And that the *conditional* promise, and engagement of Congress of such recognition and admission, is thereby become *absolute* and *necessary* to be performed. Your committee therefore submit the following resolution:

"THAT the district or territory called Vermont, as defined and limited in the resolutions of Congress of the 20th and 21st of August, 1781, be, and it is hereby recognized, and acknowledged by the name of the state of Vermont, as free, sovereign, and independent; and that a committee be appointed to treat and confer with the agents and delegates from said state, upon the terms and mode of the admission of the said state into the federal union." When this report was read in Congress, a motion was made and seconded, that the first Tuesday in October next, be assigned for the consideration of the report: The vote passed in the negative. A motion was then made and seconded, that the third Tuesday in June next, be assigned for the consideration of the report: The vote was again in the negative. A motion was then made and seconded, that Monday next be assigned for the consideration of the report; and the vote was also found in the negative, for the third time.*

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* Journal of Congress, March 1, 1782, p. 298—305.

From these votes it was apparent that Congress had again adopted their former policy of evasion, and did not mean to come to any decision upon the affairs of Vermont. Having no prospect of success in their agency, the agents concluded their business,† with a letter to the president of Congress, representing that Vermont, in consequence of the faith which Congress had pledged to them, had been prevailed upon to comply with their resolutions, in the most ample manner; that they were disappointed by the unexpected delay of Congress, in not executing on their part, the intent and spirit of the resolve; that Vermont was now reduced to a critical situation, by casting off a considerable part of her strength, in being exposed as a forlorn hope; to the main force of the enemy in Canada, and destitute of the aid of the United States; which made them urgent that unnecessary delay might not deprive them of the benefit of the confederation; and that they should expect to be officially acquainted, when their attendance would be necessary.‡

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* Extract from the minutes of Congress, of April 17, 1782.

† April 19.

THE proceedings of Congress ought to be treated with all the respect which is due to government, and with all the candour that is due to the imperfection of man. But when every reasonable allowance is made their conduct in this affair, cannot be considered in any other, than an unfavorable light. There could be no necessity of evasive policy, at a period, when the public sentiment called for the decision of a question, which had already occasioned so much trouble and danger. The resolves Congress had passed on August 7th, and 20th, 1781, could not be understood in any other sense, than as a *conditional* engagement or promise on the part of Congress. The condition had been fully complied with. In that stage of the business, to resolve their own engagements into nothing, had not the appearance of wisdom and sound policy, but of art, cunning, and littleness. Their own faith and honor, and what ought to have been infinitely dear to them, the honor of their general, required the most unequivocal and punctual performance of what they had virtually engaged, and led the people of Vermont to confide in. Nor would the agents of Vermont have been wrong, if they had expressed in terms more strong and decisive, their indignation at the public trifling of a body, whose public measures ought to have been marked, in every instance, with the strictest faith, the greatest integrity, and the most delicate sense of honor.

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‡ Copy of a letter from the Hon. Jonas Fay, Moses Robinson, and Isaac Tichenor.

When the last resolutions of Congress became known in Vermont, the general opinion was, that the assembly had been duped by the finesse of Congress, to bring themselves into a state more weak, and dangerous than they had been before: And that there would be no safety, in being guided by resolutions, which might be formed, and changed, amidst the intrigues and cabals of parties. Both the people and the assembly of Vermont, seem to have been determined by the measures of Congress, to maintain their own independence, to adhere to the boundaries to which they had agreed, and to defend themselves by force against any body of men who should endeavor to dissolve, or to disturb their government; and not to make any further solicitations to Congress, to receive them into the confederation. But that no blame might be laid upon them, or any deficiency be found in their proceedings, the general assembly at their annual session in October, again appointed agents with full powers and instructions, to negociate and complete the admission of Vermont into the union of the states.

Indian Depredations. While the people in every part of the state had been agitated by these political contests, it had been their good fortune not to suffer much from the inroads of the enemy at Canada. Some instances however of this nature had been alarming and distressing, the memory of which ought to be preserved. Most of them were made by the refugees and tories, attended by parties of Indians; and designed against individuals on personal accounts, for the purposes of revenge or abuse. One of these Indian excursions proved very distressing to the inhabitants of Royalton. In the beginning of October, 1780, an expedition was planned against Newbury, on Connecticut river. One of their objects was supposed to be to captivate a lieutenant Whitcomb. In July, 1776, this officer was out with a scouting party on the river Sorel. General Gordon, a British officer, was riding between Chambly and St. Johns. Whitcomb mortally wounded the general, and took from him his sword and watch. The British deeply resented this attack, and viewed it as a base and villanous action, unworthy of an officer; resulting wholly from a desire of plunder.* Against this man they had conceived a violent aversion, and wished to get him into their power. But whatever was the object, the party set out with a design to fall upon Newbury. It consisted of two hundred and ten men, almost all Indians; there being but seven white men, tories, and refugees, in the party; the whole under the command of lieutenant Horton, a British officer. As they were proceeding up Onion river, they fell in with two men who were hunting; by these men they were told that the people at Newbury were expecting an assault from Canada, and were well prepared to oppose it. This information diverted their attention from their first object, and turned it towards Royalton. At that place there had been a small fort and garrison, both of which had been a little while before, removed to Bethel, seven or eight miles further to the west.

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* Gordon, Vol. 2, p. 142.

The enemy went on till they came to a stream which emptied itself into White river. Following the course of this stream, they advanced till they came near to some of the new settlements, where they made a halt; and sent out reconnoitering parties, who reported that all was quiet among the inhabitants. At this place they left a strong guard, and proceeded down the stream; on October the sixteenth, about break of day, they came to a house in Tunbridge, which they destroyed, and took three prisoners. Following the stream, they entered Royalton, and passed down to White river, where the most considerable settlements had been made, killed two persons and took a number of prisoners. From thence a party went down White river about a mile, into Sharon, burned two houses and barns, did much damage, and took two prisoners. The party returning from Sharon, the whole body went up White river about three miles, till they arrived at the mouth of another stream which emptied itself into that river. Seeing a number of men on the opposite side of the stream, and being within three miles of the fort, they did not venture to cross the stream, but retreated to the place where they had made the first attack in the morning. At this place they arrived about two o'clock, with the prisoners they had taken, and the property they had plundered.

From this place they filed off to the left, passed up another branch of White river, where there were some small settlements, took a number of prisoners, plundered and burnt the houses and property, and proceeded about three miles into Randolph; and encamped in a very secure place, having the bank of the river on their left, and a ridge of hills in their front, right, and rear. Here they secured their prisoners, placed their sentries, kindled up their fires, cooked their provisions, and lay down to sleep. In the course of this day the Indians had burnt one house in Tunbridge, two in Sharon, twenty one in Royalton, and several in Randolph; taken twenty five prisoners, chiefly young lads, killed two men who were attempting to make their escape, and wounded one or two more; having suffered no loss themselves, and scarcely met with any opposition.

SURPRISED, affrighted, and scattered from one another, the inhabitants could take no steps for their defence; the alarm however soon spread, and a number of men immediately marched from Connecticut river, and the adjacent towns; by evening they amounted to several hundreds, and were collected at the place where the attack was first commenced. Here they organized themselves, and chose for their commander a captain John House, who had served several campaigns in the continental army. House began his march with this undisciplined but brave corps, in quest of the savage army, who by this time were encamped seven or eight miles ahead. With great zeal they began their march in a dark night, in almost a trackless wilderness, guided by a few marked trees amidst the logs, rocks, and hills, with which the country abounded; and continued the pursuit with ardor till they arrived at the place where the last houses had been burnt. Apprehensive that they were near the enemy, they now proceeded with more caution. The Indians had placed their sentries nearly half a mile in their rear. At the place where they had crossed the last stream, there was a large log which served as a bridge for foot passengers; and a few rods from the river there was a small rise of the land, and a number of large trees by the side of the path. The Indian sentries were posted behind these trees. Some of House's army were on horseback, and some on foot. The front guard had passed the log, and the enemy's sentries; and about one third part of the main body, had got across the stream. When the van had arrived within a few yards of the Indian sentries they were fired upon, and one man was wounded: Some of the Americans returned the fire, killed one of the Indians, and wounded one or two more. The guards then ran off to the Indian camp, and House's army proceeded on a little further and formed themselves, waiting for the day light, within three hundred yards of the Indian camp. Great consternation now prevailed among the savages. Much fatigued, and in a profound slumber after one of their ravenous suppers, the alarm filled them with fear and confusion. They soon however concerted means for their own safety; nor were they deficient in the arts of policy. They sent out one of their prisoners, an aged man, to inform the Americans that if they proceeded to attack them, they would instantly put all the prisoners to death. To two of them, the expectation of an attack had already proved fatal. One of the prisoners, expecting the Americans would relieve them, refused to march; another was doomed to be a victim on account of the Indian that had been slain; their savage masters tomahawked and scalped them, as they lay bound on the ground: And their warriors took their station to cover the retreat. Having taken these measures, they immediately crossed the stream, proceeded up the west side, some distance into Randolph, took one prisoner, passed through the west part of Brookfield, went to Onion river, and in that way to St. Johns and Montreal. House and his men were waiting for the dawn of day, and deliberating on the message brought to them by the prisoner, till the enemy were all gone from their camp. They proceeded about five miles further to Brookfield, where they found all quiet; judging it to be in vain to make any further pursuit, they returned to their own habitations, having lost the opportunity of attacking the enemy to advantage, by their caution and delay.

In this Indian expedition there were several occurrences which seemed to denote a change in the Indian customs, manners and habits. Their attachment to devastation and plunder, appeared to be as strong as it ever had been in any of their former wars. From the time when they began their retreat in Sharon, they burned, plundered, destroyed and carried off every thing that came in their way. They did not however kill any of the men, but those that opposed, or were attempting to escape from them. And in particular they did not seem to wish to kill or to captivate the women or female children. Some anecdotes of this kind were of a novel, entertaining, and instructive nature.

While they were attacking the settlements at Royalton, two of the women were so affrightened by the scene of being waked from their sleep by a number of barbarians entering their houses, and beginning to plunder, that they lost all command of their reason; went out of their doors, and stood motionless by the side of their houses. The Indians brought them their clothes; this act of kindness restored them to their senses, they put on their garments, took two or three small children, and a young woman with them, and fled into the woods. At the west part of Royalton, one of the women had firmness enough to reproach them for their conduct, in distressing women and children; and told them that if they had the spirits and souls of men, they would cross the stream, go to the fort, and fight with the men. The Indians bore her remarks with patience, and only made this reply, Squaw should not say too much. Another woman had a contest with them about her gown. The Indians had carried it with the other articles of plunder out of the house, and put it in a heap of pillage before the door. The savages stood round taking such articles as they liked best. She went out and took her gown for her part of the spoil. The Indian clubbed his gun and knocked her down. She desisted from her claim, and waited till her

Indian master carried it to another heap of plunder, and was engaged in collecting more. She went to the heap, surrounded with a large number of savages, took out her gown the second time, and brought it off; she had then one child in her arms, and led another by the hand. A greater exploit was performed by another heroine. Among other male children, the Indians had taken away her young son: She followed them with her other children and urged them to return her little boy. They complied; and encouraged by this success she urged the matter further, and had the address to prevail with the savages to give her up twelve or fifteen of her neighbor's children. In a fit of good humor, one of the Indians then offered to carry her on his back over the river; she accepted of the Indian politeness. The water was up to his middle, but her savage gallant carried her safely over; and in a short time she returned with her little band of boys, to the surprise and joy of their parents. It should seem, from these anecdotes, that the ancient Indian customs and manners were changing; and that they had been taught that it was not an honorable thing for warriors to carry destruction and slaughter against defenceless women and children.

On their march to Canada, the prisoners were not treated with severity. With respect to provisions, they fared as well as their masters. When they arrived at Montreal, a British colonel bought several of them at the price of eight dollars a head. Of the twenty five that were carried away, one died in captivity, the rest were liberated and returned to their friends the next summer. In their own virtues and exertions, and in the hospitality and kindness of their neighbors and friends, the worthy but distressed inhabitants of Royalton found relief and support, through a long and tedious winter.

CHAPTER VI.

CIVIL POLICY. *From the year* 1783 *to* 1791, *Disturbances in Vermont. Resolutions of Congress. Remonstrances against the proceedings of Congress. Peace with Great Britain. Disinclination of Vermont to an Union with the confederated States. New Federal Constitution. Proposals of New York. Settlement of the Controversy with that State. Admission of Vermont into the Federal Union. Political Effects of these Controversies.*

IN the internal government of the state, Vermont had met with good success. The people were not fully united in the measure, when the powers of government were first assumed. Some were upon principle, attached to the government of New York. Those who were of a timid constitution, were fearful of the consequences. Those who wished to be free from the restraints of law and government, were clamorous about tyranny and oppression. Several of these sought protection from New York, avowed their allegiance to that state, and received commissions for civil and military offices, under that government; and were extremely active to oppose, and disturb the government of Vermont. Notwithstanding these attempts, the government of Vermont had been constantly gaining strength, not only among the people who were already settled in the territory, but by the accession of large numbers of people from other states, but chiefly from Connecticut, The new settlers were almost universally in favor of the proceedings of the government; and were adding much every year, to its strength, numbers and unanimity. With these prospects the legislature judged that a general act of amnesty, in favor of those who had been in opposition to government, might be of use to reconcile and quiet those, who were now fully convinced, that nothing could be carried against the government, by force and opposition. Accordingly, in February, 1781, the legislature passed a general act of amnesty, in favor of such persons within the state, as had previously made opposition to its authority. Upon this judicious extension of lenity, all opposition to the internal government of Vermont, had ceased for more than a year; and all parties within the state, seemed to acquiesce in the support of government.

Congress had withdrawn all the continental troops, and left the inhabitants to take care of themselves. In their exposed situation, it became necessary to raise a body of troops, for the defence of the frontiers. The legislature ordered them to be raised from the several towns in the state, in proportion to the number of their inhabitants. There were some persons in the southeasterly part of the state, who opposed the raising and payment of these men. The governor of New York, by letters to them, and otherwise, interfered in the business. To some of these disaffected persons, he gave civil and military commissions, and encouraged them with the prospect or promise of support and protection,*

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* Remonstrance of the Council of Vermont, p. 18.

Made insolent by this prospect of support and distinction from the government of New York, some of these disaffected persons, had the effrontery to attempt to exercise the laws of New York, over the citizens of Vermont, in avowed contempt and defiance of her authority. Insolence so audacious, admitted of no other treatment, than the punishment, which civil laws assign to such crimes. Lenient measures proved in vain, and the government of Vermont ordered a military force to be sent to assist the sheriff of the county of Windham, and to protect the courts of justice against an armed violence and opposition. Five of the most obnoxious of the criminals were banished, and sundry others were amerced in pecuniary fines, according to the customary and due forms of law. The offenders had been guilty of that avowed and armed opposition to law and government, which in every country is denominated treason and rebellion. But great care was taken to avoid the effusion of blood, and to have the punishment of the offenders extended no further than was necessary, to preserve the independence and safety of the state.

DISAPPOINTED in their views and expectations of producing an insurrection in Vermont, checked and restrained by the proceedings of her courts, nothing remained for them but to seek support and reward from the government, under whose authority they pretended to have acted. But it was not in the power of New York, to afford them such relief as they wished: Neither her power or policy, her promises or her threatenings, would have had the least effect upon the people, or the government of Vermont. Nothing remained but an appeal to Congress. Complaint was made to that body, that their resolutions of September 24, 1779, and of June 2, 1780, were publicly violated; and that Vermont had proceeded to exercise jurisdiction over the persons and properties of sundry persons, who professed themselves to be subject to the state of New York. Congress took up the complaint, and referred it to a committee. On November the 14th, the committee reported, "that the measures complained of, were probably occasioned by the state of New York having lately issued commissions, both civil and military, to persons resident in the district called Vermont:" And that it be recommended to New York, to revoke all the commissions which they had issued since the month of May; that it be recommended to the inhabitants to make full satisfaction to the persons, who had suffered damages; and that it be recommended to New York, and to the people exercising government in Vermont, to adhere to the resolutions of Congress, of September 24th, until a decision should be had upon their affairs. But after several attempts, a vote could not be obtained in favor of these resolves, and the matter was adjourned.*

On December the fifth, the business was taken up again; and Congress, instead of proceeding to fulfil her own engagements to Vermont, was led by an ill judged policy, to embrace the cause of the criminals, and to pass resolutions full of censure and threatening, against the proceedings of the state. Their resolves were in this style:

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* Journal of Congress, Nov. 14, 1782.

"By the United States in Congress assembled, December 5, 1782. Whereas it appears to Congress by authentic documents, that the people inhabiting the district of country, on the west side of Connecticut river, commonly called the New Hampshire grants, and claiming to be an independent state, in contempt of the authority of Congress, and in direct violation of their resolutions of the 24th of September, 1779, and of the second of June, 1780, did, in the month of September last, proceed to exercise jurisdiction over the persons and properties of sundry inhabitants of the said district, professing themselves to be the subjects of, and to owe allegiance to the state of New York; by means whereof divers of them have been condemned to banishment, not to return on pain of death and confiscation of estate, and others have been fined in large sums, and otherwise deprived of property. Therefore, Resolved, That the said acts and proceedings of the said people, being highly derogatory to the authority of the United States, and dangerous to the confederacy, require the immediate and decided interposition of Congress, for the protection and relief of such as have suffered by them, and for preserving peace in the said district, until a decision shall be had of the controversy relative to the jurisdiction of the same.

"That the people inhabiting the said district claiming to be independent, be, and they are hereby required without delay to make full and ample restitution to Timothy Church, Timothy Phelps, Henry Evans, William Shattuck, and such others, as have been condemned to banishment and confiscation of estates, or have otherwise been deprived of property, since the first day of September last, for the damages they have sustained by the acts and proceedings aforesaid, and that they be not molested in their persons or properties, on their return to their habitations in the said district.

"That the United States will take effectual measures to enforce a compliance with the aforesaid resolutions, in case the same shall be disobeyed by the people of the said district."

The people of Vermont were already prejudiced against the proceedings of Congress; these resolutions could not fail to impair all that remained, of reverence and respect. The governor and council sent a spirited remonstrance to Congress against these resolutions.* In this remonstrance, Congress was reminded of their solemn engagements to the state of Vermont, in their public acts of August 7th and 21st, 1781; which had been fully complied with on the part of the state, but which Congress had refused or neglected to fulfil: They were told that by their own articles of confederation, they had no right to interfere or meddle with the internal police of any of the United States; and least of all with that of Vermont, from which they had not received any delegated authority whatever: That Vermont had as good a right to independence, as Congress; and as much authority to pass resolutions prescribing measures to Congress, as Congress had to prescribe measures, directing them to receive the banished and make restitution to criminals of the property which had been taken from them by due course of law, for their crimes against the laws and authority of the state: They were reminded that they were pursuing the same measures against Vermont, which Britain had used against the American colonies, and which it had been judged necessary to oppose at every risk and hazard: That their proceedings tended to make the liberty and natural rights of mankind a mere bubble, and the sport of state politicians: That it was of no importance to America to pull down arbitrary power in one form, that they might establish it in another: That the inhabitants of Vermont had lived in a state of independence from the first settlement of the country, and could not now submit to be resolved out of it by the influence which New York, their old adversary, had in Congress: That they were in full possession of freedom, and would remain independent, notwithstanding all the power and artifice of New York: That they had no controversy with the United States, complexly considered; but were at all times ready and able to vindicate their rights and liberties, against the usurpations of the state of New York.

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* January 4, 1783.

WITH regard to that part of the resolves, which declared "the proceedings of Vermont to be derogatory to the authority of the United States, and dangerous to the confederacy, and such as required the immediate interposition of Congress to relieve the sufferers, and preserve peace," they answer, that it appears like a paradox to assert that the exercise of civil law in

Vermont should be derogatory to the authority, or dangerous to the confederacy of the United States; or that the interposition of Congress would be the means of establishing peace in the state. Law, justice and order, they assert were established in Vermont, before Congress passed their late resolutions; what discord they would occasion, time would determine: But that it was the general opinion that a ratification of their stipulated agreement, would have had a more salutary tendency to promote peace, than their late resolutions.

As to the requisition that "the state without delay make full and ample restitution to those who had been condemned to banishment and confiscation of estate," they observe, That Congress had been so mutable in their resolutions respecting Vermont, that it is impossible to know on what ground to find them, or what they design next. At one time they guarantee to the states of New Hampshire and New York, their lands to certain described limits, leaving a place for the existence of the state of Vermont; the next thing Vermont hears from them, is, they are within these limits controling the internal government of the state. Again, they prescribe preliminaries of confederation, and when complied with on the part of the state, they unreasonably procrastinate the ratification.

To that part of the resolves in which the state was threatened, "that the United States would take effectual measures to enforce a compliance with their resolutions, in case they should be disobeyed by the people of said district," they return for answer, that the state would appeal to the justice of his excellency Gen. Washington; and as the general and most of the inhabitants of the contiguous states, were in favor of the independence of Vermont, it would be more prudent for Congress to refer the settlement of this dispute to the states of New York and Vermont, than to embroil the confederacy with it. But supposing Congress had a judicial authority to control the internal police of the state, the state had a right to be heard in its defence; That the proceedings of Congress were wholly unjustifiable, upon their own principles; and that coming to a decision of so important a matter, *exparte*, and without any notice to the state, was illegal, and contrary to the law of nature and nations. The remonstrance was concluded with soliciting a federal union with the United States, agreeable to their preliminary agreement, which their committee had reported, was "become *absolute* and *necessary* on their part to be performed;" and from which, they were assured, Vermont would not recede.

The assembly met in the month of February, and sent their remonstrance to Congress. Like that of the governor and council, this was also plain, spirited, and decisive; announcing to Congress in the plainest terms, that they should not intermeddle in the internal affairs of government; and that they were fully resolved, to maintain their independence.

The effect produced by these acts of Congress, was in every respect different, from what that body seem to have expected. Instead of being awed into submission, the people and government of Vermont concluded they were produced by the influence of New York; and determined that they never should be executed. The evasive, irresolute, contradictory acts of Congress, had nearly destroyed all the faith and confidence, which the people of Vermont had reposed in that body: And it was generally thought it would not be best to have any connexion with them; but only to keep up the custom and form of choosing delegates every year, to represent the state of Vermont.

The war with Great Britain, had proved greatly distressing to every part of the United States; but it had served to establish an union among the people of America, which could not have been so firmly cemented, but by the prospect of common danger. This appearance was now come to an end. On January the 20th, 1783, the preliminary articles of peace were signed by the ministers of the king of Great Britain, and the United States of America. In this treaty the former colonies were acknowledged to be free, sovereign and independent states. By putting an end to the war, this treaty put an end to the embarrassments of Congress, and to all the fears of the people of Vermont. An union with the confederation, was no longer a matter of immediate and urgent necessity. The state had now no external enemies to oppose, or any body of troops to be raised, or kept in pay. Weary of so long and distressing a war, all parties wished for the repose and tranquility of peace; and were heartily desirous of dropping all occasions of controversy and debate. The business of Congress however, became more and more embarrassing. Their currency had failed, their revenues were exhausted, their armies were dissatisfied and unpaid, the debts they had contracted were unfunded, the public creditors were every where full of complaints against their proceedings, and they had no resources to answer the demands that were perpetually made upon them. Few of the states paid much regard to their resolutions, and it was now fully evident that their powers were inadequate to the public business of the United States, and that the articles of union and confederation were essentially defective. Without power to relieve themselves under these embarrassments, the Congress was daily sinking into a state of insignificance and contempt; and the public affairs of the union were constantly becoming more and more embarrassed with weakness, disorder, the want of wisdom, credit and power.

In such a state of things, an admission into the confederacy of the states, ceased to be an object of any importance, or even desire. Vermont was happy in being free from the load of debt, which lay upon the United States; and was not perplexed by the constant calls of Congress, to raise the necessary sums of money. The legislature had acquired wisdom and experience in governing the people, from the difficulties in which they had been engaged. It had not been in their power to contract very large debts, nor was it necessary or practicable to impose heavy taxes upon the people. The state had a large quantity of valuable lands to dispose of; and purchasers and settlers were constantly coming in from all the New England states. Thus, by one of those sudden transitions which are common to human affairs, from the most distressed and perplexed state, the condition and prospect of the people of Vermont, became at once more easy and flattering than those of their neighbors. Encouraged by the mildness of the government, the smallness of the taxes, the fertility and cheapness of the lands, large additions were annually made to their numbers and property, by the accession of inhabitants from other states. There was nothing therefore in the public affairs of the United States, or in those of Vermont, that could lead the inhabitants any longer to wish for an admission into the confederation. The body of the people felt that they were in a better situation, than the people in the neighboring states; And it was the general inclination and desire not to be connected with the union, if it could be decently avoided.

In this situation things remained, until several of the leading men in the United States, became alarmed with the operation and tendency of public affairs. Statesmen of ability and information saw that the powers invested in Congress, were in effect, only the powers of a diplomatic body; and wholly inadequate to the purposes of federal government; And that the liberties, the safety, and the union of America, could not be preserved, unless an adequate and efficient government could be established in the United States. Virginia had the honor to lead in the first avowed opposition to the British king and parliament; And she was the first that attempted to call a convention of the states, to form a new federal constitution. The measure was crowned with that success, which might be expected from the deliberate consultations of a free and uncorrupted people, aiming to secure the public safety. A new federal constitution was adopted by the people of America: And a new Congress, furnished with competent powers, met in the city of New York, March third, 1789.

LIKE the other citizens of America, the people of Vermont were anxious to know what would be the policy and proceedings of the federal government. Their interest had not been much promoted by the measures of the Congress, with whom they had formerly transacted business. But there was now a general expectation among the people, that something wiser and better, was to take place: But they had learned from experience, that there was no other way to judge with certainty, of the excellency of any constitution, or government, but by the good which it did to the people. In the course of one or two sessions, they found the federal government had been laboring to restore the public credit, to do justice to the public creditors, to provide for the payment of the public debt, and to establish a system of equal law and justice, in every part of the federal government. Measures thus marked with wisdom and justice, served to abate the fears that many had entertained, and to conciliate the minds of the people to federal sentiments: And the prospect seemed favorable, that every part of the American states might be brought to act with union and vigor, in support of the federal system.

But the ancient difficulty with New York, was not yet removed. That state had indeed given up all prospect, and probably all desire, of subduing Vermont by force, or by policy; and well knew that Vermont was, and would remain, a free and independent state. But large tracts of land had been granted by the governors to individuals: These tracts of lands, by means of the increasing settlements and prosperity of Vermont, were become greatly valuable. The government of Vermont had uniformly refused to acknowledge the validity of these grants, or submit to any of the legislative acts of New York, and had made new grants of all those tracts of land: And was unalterably fixed in refusing to admit the legality of any legislative act of New York, which related to the territory of Vermont. The grantees under New York, were constantly complaining of the injuries that were done to them, in not being permitted to take possession of their property; and of the injustice that would be established, if the government of New York should suffer their lands to be thus taken from them without an equivalent. Much pains had been taken to compromise the difficulty, but without coming to any general agreement: And the government of New York did not conceive any very strong obligation lay upon them, to refund that to individuals, which the state had no hand in granting; but which was simply an act of the crown of Great Britain, executed by the will of the royal governor; generally for his personal profit, always for the benefit of his particular friends, but never for any emolument to the government or people.

A course of events at length occurred, which rendered the views of New York, more favorable towards Vermont. Disputes relative to the permanent seat of the federal government, ran high in Congress. After repeated trials, the decision sometimes fell in favor of remaining at New York, and sometimes in favor of removing to Philadelphia; and it was finally carried in favor of Philadelphia, by a very small majority. Kentucky, it was foreseen, would soon be admitted into the federal union: And Virginia, to whose territory it belonged, with great dignity and honor, instead of opposing, was aiming to promote that event. The representation from the eastern states, was diminished of its just proportion, by the exclusion of Vermont; and this had already proved to the disadvantage of New York. If their old controversy could be settled, it was apparent that the interests and influence of these states, would in almost every instance coincide. The public sentiment called loudly, for the same measure. To what purpose, it was said, is Vermont kept out of the union? Is it not in the full and complete possession of independence; and as well regulated and governed as the other states? And shall the federal union throughout the whole territory, be obstructed, and rendered incomplete, by the ancient and endless controversy, between New York and Vermont?

NEW YORK wished with the rest of America, to have the federal union completed: And without calling to view the former occasions of contention, passed an act, July 15, 1789, appointing commissioners with full powers to acknowledge the independence of Vermont, and to settle all matters of controversy with the state. On October the 23d, 1789, the legislature of Vermont appointed commissioners on their part, to treat with those of New York, with powers to adjust, and finally determine every thing which obstructed the union of Vermont with the United States. The commissioners from both states, were themselves very desirous to have Vermont brought into the federal union. The only point of difficulty and debate, related to a compensation for the lands claimed by the citizens of New York, which had been regranted by the government of Vermont. After two or three meetings of the commissioners, the matter was brought to an equitable and amicable agreement.

October the seventh, 1790, "the commissioners for New York, by virtue of the powers to them granted for that purpose, declared the consent of the legislature of New York, that the state of Vermont be admitted into the union of the United States of America; and that immediately upon such admission, all claims of jurisdiction of the state of New York, within the state of Vermont, shall cease; and thenceforth the perpetual boundary line between the state of New York, and the state of Vermont shall be" as was then holden and possessed by Vermont, that is, the west lines of the most western towns which had been granted by New Hampshire, and the middle channel of Lake Champlain. With regard to the lands which had been granted by New York, "the said commissioners by virtue of the powers to them granted, declare the will of the legislature of New York, that if the legislature of the state of Vermont should, on or before the first day of January, 1792, declare that on or before the first day of June, 1794, the said state of Vermont would pay the state of New York, the sum of thirty thousand dollars, that immediately from such declaration by the legislature of the state of Vermont, all rights and titles to lands within the state of Vermont, under grants from the government of the colony of New York, or from the state of New York, should cease," those excepted, which had been made in confirmation of the grants of New Hampshire.

THIS proposal and declaration being laid before the legislature of Vermont, they very readily agreed to the plan, which had been concerted by the commissioners from both states; and on October 28, 1790, passed an act directing the treasurer of the state, to pay the sum of thirty thousand dollars to the state of New York, at the time proposed; adopting the western line as the perpetual boundary between the two states; and declaring all the grants, charters and patents of land, lying within the state of Vermont, made by or under the late colony of New York, to be null and void, those only excepted which had been made in confirmation of the grants from New Hampshire.

IN this amicable manner, was terminated a controversy, which had been carried on with great animosity for twenty six years. Both sides were weary of the contest, and happily for them, the general state of America led to moderation, equity and wisdom: And this seems to have been the only period, in which the matter could have been adjusted to the satisfaction of all parties.

THE difficulties with New York being thus removed, the assembly of Vermont proceeded to call a convention of the people, to take into consideration the expediency of joining the federal union. The convention met at Bennington, January 6, 1791. The members were not all agreed in the expediency of being connected with the thirteen states: And it was doubted whether a majority of the people, were for the measure. Several members of the convention wished to defer the consideration of the question, to a more distant period. It was urged on the other hand, that the safety, the interest, and the honor of Vermont, would be essentially promoted by joining the union of the other states; and that this was the precise time, when it might be done without difficulty or opposition. A large majority of the members were convinced that the matter could not be put off any longer; and after a debate of three days, the question was carried in the affirmative, by a majority of one hundred and five to two. This being the only business for which the convention had been called, it was dissolved, January 11th.

THE general assembly of Vermont met at Bennington, January the tenth. On the 18th, they made choice of the Honorable Nathaniel Chipman, and Lewis R. Morris, Esquire, as their commissioners to attend Congress, and negociate the admission of the state into the union of the confederated states of America. The commissioners repaired to Philadelphia, and laid before the president of the United States, the acts of the convention and legislature of Vermont; and on February 18th, 1791, the admission of Vermont, was completed, by an act of Congress, without any debate, or one dissenting vote. By this event, all the controversies respecting Vermont, were brought to a conclusion: She was to take her seat in Congress, March 4, 1791; and the federal union was completed, in every part of the United States of America.

THE violence and duration of the controversies, in which Vermont was so long engaged, proved unfavorable to the state of society in that and in the adjacent states. During the first part of their contest with New York, there was not any settled form of government in Vermont. The people transacted their business, by the meetings of towns and plantations; by committees, leaders, and officers, appointed and submitted to by general consent. The opposition to New York was one continued scene of violence, and the minds of the settlers were constantly agitated by the most uncomfortable passions: But a general fear of the final issue, prevented both parties from proceeding to bloodshed. But in one instance, was there any person slain, in this quarrel. In March 1775, during the session of a court holden under the authority of New York at Westminster, one man was shot through the body in the court house. But it gave such a general alarm, that both parties were more cautious to avoid the extremes of irregularity. In this stage of the controversy, the settlement of the country was much prevented by the contrary claims which subsisted, and the violences they produced. In the latter part of the year 1781, the controversy with New Hampshire bore a very serious aspect. Chesterfield in that state, was one of the towns which had joined with Vermont; but some of the inhabitants still adhered to the jurisdiction of New Hampshire. A constable under the authority of Vermont, went to serve a writ upon one of the inhabitants of that town. His authority was denied, and an officer, under the authority of New Hampshire, interposed. In the course of the contest, the New Hampshire officer with one or two of his adherents, were imprisoned by the officer from Vermont. Orders were given by the government of New Hampshire, to raise the *posse comitatus*, and liberate the imprisoned sheriff by force. The governor and council of Vermont sent three agents to Exeter, to endeavor to compromise the matter with the government of New Hampshire. One of these was a sheriff of Vermont: By way of retaliation, he was immediately imprisoned at Exeter. Alarmed with this approach to hostilities, both governments were obliged to interpose to prevent more violent measures, which threatened to break out into a civil war. In 1784, the secretary of Vermont was arrested in the city of New York, on account of his political conduct in Vermont: The matter being laid before the general assembly of the state, they unanimously resolved that such lands in the territory of Vermont, as belonged to the citizens of New York, should be sold, until money enough was raised from their sales, to make full restitution to their secretary for all the charges and damages which might accrue, from his arrest in New York.

These violences were unfavorable to the settlement of the country; they tended to keep the minds of the people, in a state of irritation; and had an ill effect on the state of society. But it is worthy of remark, how extremely unwilling the people of America were, to proceed to war with one another. In their highest state of provocation and resentment, they abhorred the idea of killing and slaughtering each other. Unused to the practices of rebellion, murder and assassination, when they were exasperated with the highest sense of injuries, they had no intention or idea of kindling a civil war in their country, of destroying those who opposed them, or of staining the American system of freedom, with blood and slaughter. So far from this, that amidst a violent opposition to one another, they were all agreed, that the war should be carried on with unceasing vigor against Great Britain; but that no other war should be permitted to exist in the country.

But although all parties had cautiously avoided enkindling a civil war in their country, they had been hurried into great mistakes and errors. The people of Vermont had no idea of opposing the government of New York, until the governor and council of that province had proceeded to make new grants of their lands, which they had bought under the royal grants, and subdued by extreme labor and hardship. To relinquish all their property, to reduce themselves and families to a state of beggary, and submit to have all the profit of the labor and sufferings of their whole lives wantonly taken from them, and given to others; there was an [illegible] and cruelty in this kind of oppression, to which they ought not to have submitted, so long as it was in their power to prevent it. Instead of being softened, the iniquity of this oppression was increased, by its being committed under the ostentatious authority of the king, the law, and the government of New York. The settlers certainly did right in opposing such pretentions, and proceedings. They felt with an irresistable evidence, that the natural rights of men, were of an higher original, and of a more sacred authority, than the variable decisions of a British king or the rapacious views of a provincial governor, and council: Such opposition to these proceedings, as was necessary in order to be effectual, was undoubtedly justifiable by the law of nature and nations. But Vermont was not without error, in suffering the sixteen towns from New Hampshire, to join with her. This was opening the door to irregularity, and confusion; and in the event, was of more disadvantage, than benefit; and ought in the first instance, to have been prevented. But when New Hampshire and New York were aiming to divide the whole territory of Vermont between them, Vermont was not blamable for defending herself by the same policy, and receiving their towns and settlements into her confederation.

New York had a proper right to claim the jurisdiction of the whole territory, which the royal decision had assigned to her, in 1764: And had she been content with this, there never would have been any controversy about the matter. Her great error was in regranting the lands, and ejecting the settlers from the estates, which they had honestly bought before of the highest British authority; and made valuable by their labor, sufferings, and hardships. It is true, the proceedings of New York were all agreeable to the forms of their laws: Instead of being a justification of those proceedings, the abuse and cruelty became greater from this circumstance; for injustice, is most of all odious, when it is calmly and deliberately done, under the colors of law and government. Under the royal governments, such proceedings had not been altogether uncommon, nor was it in the power of the people to prevent them: But when the people had taken the powers of government into their own hands, these errors certainly ought to have been corrected. A perseverance in the same error, seems to have rendered the claims of New York, disagreeable to Congress; and in the event, united the public opinion, in opposition to her claims, and in favor of those of Vermont.

NEW HAMPSHIRE had just occasion for offence at the proceedings of her citizens, in the seceding towns; and with the government of Vermont, for receiving them into her confederation. But there was not, either sound policy, or any advantage, in extending her claim over the whole territory: No colour of title, or any pretence of right, could be found for such a claim; and the design was perfectly understood.

How far Congress was forced to adopt an evasive policy, by the circumstances of the war, it may be difficult for those who were not in the cabinet, to determine. Her great business undoubtedly was to preserve peace and union among the states; and to prevent their contentions, from injuring the common cause. This end was effected: But it does not seem to have been produced by the policy of Congress, but by the virtue of the people. The measures of Congress respecting the controversies of Vermont with New Hampshire and New York, served rather to displease all parties, than to satisfy any. Such was their uncertainty, their contradictory, and evasive nature, that when the dangers occasioned by the war were removed, the people of Vermont had very little desire or inclination to be much connected with Congress. It was not until more steadiness, vigor, and ability appeared in the federal government, that the people were willing to be brought into the American union.

AMIDST the errors and evils which attended these controversies, they were found to produce some good effects. They served to exercise and draw forth abilities and powers, which proved of great service to their country, when they came to be employed in the grand contest with Britain.

THEY led the people to acquire just sentiments of the rights of men, and of the nature, importance, and extent of government. At that period, every thing in America seemed to operate to promote political knowledge. The principles of civil liberty, which were but imperfectly considered in the writings of Locke, Sydney, and Montesquieu, occurred every moment to the views and feelings of the whole body of the people: Instead of being any longer barely the discoveries of a few enlightened philosophers, they became the prevailing sentiments of the whole body of the American citizens: And from that period until now, they have been constantly operating to produce a more natural form of government, a more perfect system of freedom, and a more flourishing state of society in America, than ever had been known before, among all the associations of men.

CHAPTER VII.

CIVIL POLICY. *From the year* 1791 *to* 1807. *Favorable prospects at the admission of Vermont into the federal union. Manner of transacting the annual business of the state. Assembly complete a volume of laws. Influence of French politics. Washington's popularity and influence. Governor Chittenden's resignation and death. Election and measures of governor Tichenor. Policy and proceedings of the legislature at Vergennes, in* 1798; *at Windsor, in* 1799; *at Middlebury, in* 1800; *at Newbury, in* 1801; *at Burlington, in* 1802; *at Westminster, in* 1803; *at Windsor and Rutland, in* 1804; *at Danville, in* 1805; *and at Middlebury, in* 1806.

1792. THE dangerous controversies with which the people of Vermont had been agitated, being settled by the admission of the state into the federal union, the prospect now was, that they might pursue their private affairs, and the general business of the state with success, and without interruption. Washington was at the head of the federal government; in his abilities and virtues the people had full faith and confidence. With the other states all contests had ceased. In their own state, Mr. Chittenden was the chief magistrate. His manners and habits, his attention and attachment to the independence and welfare of the state, his property, long residence, and acquaintance with the condition and wants of the people, rendered him such a governor as the circumstances of a new state required. Nothing seemed requisite to the security and advancement of their interests, but a peaceable and steady improvement of those natural and civil advantages which they already possessed.

For several years an uninterrupted enjoyment of increasing prosperity and tranquility continued. The attachment of the people to their old governor was so general, that the politicians scarcely attempted to bring forward another candidate. Neither the honor nor the emolument annexed to the office of a councillor, was sufficient to render it a matter of general contest, or much ambition. The general assembly met on the beginning of October: The only object of interested ambition, intrigue, and contest, was the appointment of civil officers; but as this was generally decided in a few hours, there was not much time or room for a long course of electioneering, management, intrigue, and contest. These matters were generally decided the first week of the session; and the public business then assumed a customary form, arrangement, and course. The greater part of the business of the legislature was to grant new townships, lay out roads, grant a small tax for the annual charges of government and to enact such laws as the local circumstances or particular situations of individuals, towns, or the whole state might require. This business was generally completed in the course of four weeks; and in affairs so simple, common, and customary, as those which came before the assembly, it was difficult to find occasions and objects, in which artful and designing demagogues could expect to obtain very distinguishing popularity, power, or influence.

DURING this period of tranquility and reason, the legislature accomplished one of the wisest and most useful of all civil regulations, a code of laws adapted to their own situation and state of society. The work was referred to a committee, appointed with much circumspection and judgment. Neither faction, intrigue, or folly, had at that time risen so high, as to attempt to commit the formation of a body of civil laws to any other set of men, than those, whom the assembly believed were best qualified by their abilities and virtues, to accomplish so important an object. The business was pursued with much care, attention, and impartiality; a wise and judicious code was compiled, and established; and it was the happiness and honor of the state of Vermont, to have her civil laws reduced to as well digested and judicious a system, as any of the states in the union. Particular and local interests have since produced alterations and additions, under the name of improvements, which have not rendered the system more uniform, equitable, or consistent.

NO political phenomena had yet appeared, from which it could have been concluded that there were any latent errors or causes in the state or federal constitutions, which would essentially disturb the tranquility, or entail permanent faction upon the people of Vermont. It could not have been thought that a people situated in an inland country, by profession farmers, and in every respect apparently unconnected with any part of Europe, could be in any danger of having their tranquility disturbed by any contests that could arise in any part of the European monarchies; or by any of their quarrels about their kings or princes. Least of all could it have been suspected that an attempt to set up the American form of government in the eastern hemisphere, could have occasioned disturbance among the most remote western republics.

AND yet this seems to have been the first visible political cause that infected the constitutions and feelings of the American people. In their zeal to effect a compleat and perfect revolution, the French nation had not only put down their monarch, nobility, royal army and episcopal church; but they supposed they should give refinement and perfection to the genius of Republicanism, by setting it free from the shackles of temples and altars, of public worship and matrimonial obligations. They commended the American people for their great achievements, in discovering and establishing the first principles of true liberty and republicanism; but boasted that it was reserved for them to carry freedom, a republic, and man, to a state of perfectibility. To accomplish these grand objects, they supposed the surest way was to destroy in the minds of the people, all their former attachments to their ancient customs, opinions, and habits. To destroy superstition, they derided the existence and perfection of the Deity. To put an end to the influence and offices of the clergy, they shut up the temples, and endeavored to put an end to all public worship and religion. To engage the inexperience and passions of youth, they treated the affection and chastity of the sexes as a matter of ridicule and folly; and to derive assistance from the inclinations of the most licentious, universal liberty was given to set aside, at the option of either party, all the vows and obligations that had been connected with the institution and laws of marriage. All that had acquired and claimed respect on account of its antiquity, universality, or supposed sanctity, was attempted to be destroyed; and the goddess of reason, the perfectibility of man, and the clamors of the mob, were introduced in the room and place of the Eternal.

THE novelty, the boldness, the daring and intrepid aspect of the new republican system, deceived some, affrighted others, perplexed many more, and deeply engaged the attention of all. From principle, the citizens of the United States were almost unanimously in favor of the French revolution; and most of them expected it would produce something more perfect, than what their own country had attained. But when it left the maxims and principles of common sense, morality, and virtue, and advanced boldly and rapidly into the regions of chimera, impossibility, and folly, the Americans became divided in their opinions and feelings: Part of them wished to go forward, and adopt the French attainments and perfectibility; another part, dreaded the experiment, and wished to remain within the limits of reason, experience, and their own constitutions. And like every other part of the United States, the people of Vermont became resolved into parties; the one of which wished to retain and strengthen their federal constitution, and the other to give it a greater assimilation to the French constitution, by increasing the powers of the people. Parties were thus insensibly and gradually formed, both avowing a warm attachment to the federal constitution, but both wishing in fact to have it changed and altered. Professing very different principles, they were in fact united in the same object, to alter the constitution of their country: The one wished to improve it by increasing, and the other wished to improve it by diminishing the powers, which it had assigned to the president and senate of the United States.

HAPPILY for his country, Washington had virtue and influence enough to check these proceedings. Having sworn to adhere to the constitution of his country, the people of the United States found that their president had the same firmness of character, unalterability of virtue, and steadiness of pursuit, as had appeared in the victorious general of their armies. The political zealots in favor of the French principles, made some attempts to injure his reputation, influence, and authority. Failing in their attempts, they did not venture to repeat the experiment; and there was no way for them to preserve their own influence and authority, but to disavow their intentions and designs, and to join the great majority of their countrymen in commending Washington's character and services. And it was not a little owing to the personal virtues, influence, and reputation of this great man, that the progress of party and faction was checked and restrained in Vermont, as well as in every other part of the union, during the eight years of his administration. Many of the officers and soldiers who had served under him in the war, were settled in the state. And in vain did the new tribes of the little party politicians endeavor to alienate the minds of such men, from their old, virtuous, beloved commander. Party, was obliged for its own safety, to be prudent; and faction, in order to succeed, was forced to be cautious, while he remained the President.

The extreme simplicity of the manner, forms, and customs, with which the legislature transacted their public business at that time, was not without its use in checking the progress of party and faction. It was not the custom with governor Chittenden when he met the assembly, to make any speech on the occasion. Of course there was no room for intrigue, debate, and contention, about returning an answer; and the politicians could not avail themselves of that opportunity to collect their forces, ascertain their strength and numbers, or flatter or insult their governor. As they made no addresses to their governor, neither did they make any address to the chief magistrate of the union. When they had compleated the appointment of their civil officers, there were no other objects before them but to proceed to the common and necessary business of the state; and this is seldom an object of much attention to the ambitious and designing.

1797. Such was the general progress and aspect of the political proceedings from the admission of the state into the federal union, till the death of governor Chittenden. Advanced in years, and declining in health, he resigned his office in the summer of 1797, and in a few weeks was called to give up his life. This useful man was born at Guilford in Connecticut, and in the early part of his life removed to Salisbury; and by his industry and economy acquired a handsome landed property at that place; became a member of the Connecticut assembly, one of the civil magistrates, and a colonel in the militia of that state. So early as the year 1773, he removed to the New Hampshire grants, purchased a tract of land at Williston on Onion river, and began a settlement with a few others, when there was scarcely a family or a road in that part of the country. Labor and application to the cultivation of his new farm, had already procured the necessary provisions, and opened to him the prospect of many of the conveniences of life; and nothing could be more flattering than the near view of rural wealth, abundance, and independence, as the natural and certain production of his labor and his lands. It was in the midst of these improvements and prospects, that the American war broke out. The settlements on Onion river became exposed to any assaults that might be made upon them; and it was altogether uncertain what would be the inclinations or the measures of the Canadians or Indians. The inhabitants, unable to protect themselves, left their defenceless dwellings, and retired to the southern parts of the district, to Massachusetts, and Connecticut. Mr. Chittenden removed with his family to Arlington; and became the leading man in the consultations and debates of the inhabitants. In the fall of 1775, he was employed by the people, with four others, as a committee, to repair to Philadelphia, to procure intelligence and obtain advice respecting what measures Congress were pursuing, and what kind of political proceedings were proper for the people on the New Hampshire grants. Deeply interested in the controversy with New York respecting the title to their lands, and more acquainted with public business than the other settlers, he was early engaged in the opposition to the measures of that government, and became one of the principal leaders in all the proceedings of their conventions. While suffering severely from the operations of the American war, he saw the opportunity it afforded to terminate all their controversies by declaring independence, and forming a new state and government in the disputed district. And having adopted this decisive plan of sound policy, he steadily pursued it, till he saw it avowed by the inhabitants, and acknowledged by the federal government. The people were agreed in placing him at the head of their new commonwealth; and in all the scenes and contests which ensued, he proved an able councillor, and a firm, economical and popular governor. On account of his judgment, experience, and acquaintance with the manners and disposition of the people, matured by age, observation and practice, he appeared to be better qualified to be their governor than any other man at that period; and was probably of more benefit and advantage to the state, than a man of more theoretic knowledge, or polite accomplishments, would have been. After a life of much activity and utility, beloved by his family and friends, and sincerely esteemed and lamented by the people of the state, governor Chittenden died at Williston, August the 25th, in the 68th year of his age.

In this event, the politicians found new motives and reasons for their appearance and efforts; while another had served still more, to rouse up their activity and exertions. President Washington had the year before announced his intention to resign his office, and retire from the labors of public life; and on March fourth, John Adams had been declared to be the president of the United States. It was known that he was an avowed opposer of the French principles and proceedings; and a large number of the people were opposed to his appointment. The restraints that had been imposed on the spirit of party by Washington's virtue and popularity, and by the certainty of Chittenden's election to the chair of state, had both ceased. The parties were already formed, and had proceeded so far as to adopt the terms *federal* and *republican*, as the common phrases of political language, and the avowed badges of distinction and opposition; and the opportunity was now arrived, for the federalists and republicans to exert all their arts and influence to strengthen their own party, by the election of a new governor. Neither party were deficient in exerting all their powers and abilities in the electioneering contest. The assembly came together at Windsor, in the beginning of October; and on counting the votes of the freemen, it was found that an election had not been made by the people, but that a majority of the votes were in favor of *Isaac Tichenor*, at that time chief justice of the state. By the constitution, the decision devolved on the general assembly; and by a large majority of their votes, it was determined in his favor.

THE new governor opened the business of his administration by introducing the custom in the other states, of making a speech to the assembly. The speech was sentimental, well composed, and delivered with address and elegance; and the audience were much pleased in seeing the customs of the other states introduced into Vermont in a respectable and agreeable manner. The address applauded the state and federal constitutions, as both founded in the same republican principles; but it was marked with what was called decided *federalism*, avowing not only a full approbation of the measures of Washington's administration, but that "the known experience, firmness, and integrity of those, who are placed at the head of its administration, ought to inspire us with a proper degree of *confidence* in the future,"[*] alluding to the measures which Mr. Adams was pursuing. The house returned a decent and respectful answer; but the composers of it evidently meant to have the answer contain more of the republican spirit than the speech. "We are not disposed to call in question, the wisdom or integrity of those who have been concerned in the administration of the general government, nor to withhold confidence where it ought to be inspired; but give support and energy to every measure which, in our opinion, will secure or promote national prosperity."*

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[*] Journal of the assembly of Vermont, 1797, p. 24.

On both sides, the business was conducted with propriety and decorum. The spirit of party was then in its infancy; it had not assumed the boldness, the insolence, the acrimony, intolerance, and fierceness, which time and opposition generally produce. The customary business of the session went on in the usual and common course, without much of the bitterness or wrangling of faction. The appointments to civil offices seem to have been made, more with a respect to abilities and virtues, than in consequence of political opinions. The federalists had a decided majority in the assembly; but both parties appeared to be suspicious; anxious about their numbers, and vigilant to preserve and increase their own strength, popularity and power.

1798. The next session of the legislature was at the city of Vergennes. Mr. Tichenor had carried the election for governor by a great majority; and the whole country was in a state of great irritation on account of the French proceedings. Their extravagant pretensions about liberty and equality, their rapacious and plundering spirit, their insolence, duplicity, and contempt of all civil rights and moral obligations, were now at the height. They had plundered the American commerce, refused to receive the American ambassadors, and under the name of a loan had demanded a tribute. Mr. Adams had resisted their demands with firmness, and avowed to his country, what he conceived to be their intentions, and the necessity of a decided opposition to their claims and proceedings. The whole continent was filled with resentment, indignation, and disdain; at the idea of being subject to tribute. Those who were supposed to be in favor of the French principles and proceedings, instead of being called republicans, were named *democrats ;* and the whole party were odious to the people, in every part of the United States.

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* Journal of the assembly of Vermont for 1797. page 57.

In this state of the public mind the assembly came together. The governor, in his speech, entered largely on the French policy, perfidy, insolence, rapacity, and tributary demands ; and the necessity of expressing in the most decided manner, their confidence in, and adherence to their own national government.[*] The house returned an answer truly *antigallican*, and in the highest tone of what was called federalism ; and that nothing might be omitted that could serve to convey the strongest ideas of their union and confidence, "We cannot," said the assembly, "close this reply to your address without expressing our entire approbation of your administration, for the past year ; and our sincere wishes that your usefulness may be long continued to your country."[†]

On the second day of the session it was proposed to choose a committee, to draw up an address to the president of the United States ; and so small and destitute of influence was the opposite party, that it does not appear that any of them ventured to oppose this novel measure.

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[*] Journal of the assembly of Vermont, for 1798. p. 13.

[†] Ibid. p. 75.

The address was soon presented to the assembly, and adopted by 129 votes; 23 only appearing in opposition. In this address the sentiments and feelings of the assembly were thus introduced: "While the communities, corporations, towns, cities, and legislatures of your country are crowding to approach you with addresses of approbation and gratitude, will you, sir, permit the legislature of the state of Vermont to join the general voice? Among the latest to address, we would be considered as among the foremost to approve your official conduct." The principles, proceedings, and government of the French, were treated with extreme asperity. Their readiness to engage in a war, if necessary, to defend the country against French duplicity and rapacity, was announced in the most decisive tone; and their abhorrence of those, who were censuring Mr. Adams's measures and administration, was asserted in the strongest terms. To carry their declarations of attachment to him, to the highest point, "Permit us," say they, "to add assurances of our personal respect; while we honor you as our chief magistrate, we respect you as a man; and it is to your glory we can say, we regard JOHN ADAMS, because we love our country."*

To complete the system of energetic and decisive measures, the assembly carried the same principles and feelings into the business of their civil appointments. The chief justice† was a man confessedly of pure morals, undeviating justice, and uncorrupted integrity; and had discharged the duties of his office without the suspicion of corruption. He was an admirer of the principles on which the French revolution had been founded, and carried republican sentiments to their full extent; but was unblamed and uncensured in every part of his private and judicial conduct. The assembly chose another man for chief justice, in his room. They left out also two of the judges of Bennington county, the sheriff, judge of probate, and several of the justices in that, and some other of the counties; and appointed in their room, men of more approved federal principles. The avowed aim and design of these measures was to check the progress of democracy, and encourage the supporters of Mr. Adams's administration. And it was meant to carry the proceedings so far, as to intimidate others from appearing in opposition to the measures of the state or federal governments.

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* Journal for 1798, p. 78.
† Israel Smith.

WHEN the political inflammation had subsided, the assembly proceeded in the annual business of the state, with their usual impartiality, industry and good sense. In addition to their customary business, an application of a singular nature came before them from some of the Indian chiefs of Canada, stating a claim to a large part of the lands in the state, and requesting compensation for that part of their territory that lay within the bounds of Vermont. As the Indian character and population is now depreciating and disappearing, it may be a matter of curiosity and information to preserve the memory of this application, in its original form and style: The following is a copy of the Indian address.

"His excellency, *Isaac Tichenor*, Esq. gov-
'ernor of the State of Vermont.

'GREAT BROTHER,

'WE the chiefs and councillors of the
'seven nations of Lower Canada Indians, send
'our love and respect to you and your family,
'by five of our agents, which we the chiefs
'have sent to you to treat about our *hunting*
'*lands*, that lie in your state. Beginning on the
'east side of Ticonderoga, from thence to the
'great falls on Otter Creek, and continues the
'same course to the height of land, that divides
'the streams between lake Champlain, and the
'river Connecticut; from thence along the height
'of lands opposite Missisque; and then down to
'the Bay: That is the land belonging to the
'seven nations, which we have sent to settle
'for with you, as we have settled with York
'state. So we hope you will be pleased to re-
'ceive our agents, and that it will be settled, so
'that both sides will be contented.

'*Cognahwaghah, the 29th of September,*
'1798."

SIGNED by twenty chiefs of the different nations.*

THE assembly took up the matter with propriety and attention, and appointed a respectable committee to examine the matter, to state facts, and make report to the house. The committee attended on the Indian chiefs, examined their claims, and made report that they were opinion that "they have had a claim to the above de-
'scribed land, by a title arising from an agree-

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* Journal for 1798. p. 108.

'ment, entered into with the other nations, the 'aborigines of this country, they cannot ascertain whether that title has ever been extinguished by purchase, conquest, dereliction of occupancy, or in any other way whatever. That 'no settlement can be made with these Indians, 'respecting their claim, by the legislature of 'this state, without the permission of the United States, agreeably to an Act regulating 'trade and intercourse with Indian tribes,'' passed July 22d, 1790.

"The committee, under all these circumstances, are of opinion that his excellency the governor, be requested to inform the said Indians, 'that when they shall exhibit clear and circumstantial proofs, that the claim they now make 'is founded on the unerring and unalterable rules 'of justice, and shall produce therewith the necessary documents, authorising this state to 'treat with them, they will find their brethren 'of Vermont ready and willing to maintain inviolable the most friendly intercourse with the 'Indians of the seven nations, and to do and 'perform all those acts of kindness and generosity, which their strong principles of justice 'cannot fail to inspire.

'The committee therefore would advise, 'that his excellency, be further requested to 'obtain from the state of New York, all 'the information he can, and shall deem necessary, respecting a similar claim, made by 'the same Indian tribes, on that state, and the 'nature and extent of the compensation allowed 'to them thereon: And that he cause to be 'presented to them, as soon as conveniently 'can be done, a token of friendship, and affection, 'from their brethren of Vermont, in such articles as he shall deem best, not exceeding in value the sum of one hundred dollars; and that 'he cause their maintenance while here, to be 'regularly paid for."*

THE Indian chiefs having found good quarters and good cheer, attached much attention, curiosity, and company, and receiving their hundred dollars, retired in good humor to their tribes; well pleased with their own policy, and with that of the assembly of Vermont, hoping that the game would prove still better another season.

AT this session of the legislature a proposal came forward from the state of Massachusetts, purporting an amendment in the federal constitution, That no person should be eligible as president or vice president of the United States, nor should any person be a senator or representative in the Congress of the United States, except a natural born citizen, or unless he should have been a resident in the United States, at the declaration of independence, and should have continued either to reside within the same, or to be employed in its service, from that period to the time of his election. Nothing could have been more agreeable to the sentiments of the assembly, than the proposed amendment. It was adopted by the votes of 152 members, five only appearing in opposition.*

IN reviewing the proceedings of this assembly, it is impossible not to observe, and it is painful to remark, how often and how easily inflammatory passions deceive those on whom they operate; how insensibly they put themselves off for moral principles, and how unfortunately they misguide private and public conduct. By making opinions and sentiments respecting particular administrations the standard of political orthodoxy, or the necessary qualification for a civil office, the assembly were opening the way to a corrupting and oppressive scene of political intolerance, persecution, and dismission from office. If federalism scrupled not to introduce such measures of policy, to avow, to justify, and to practice them; the same kind and measures of proceeding, would be as right, fit, and proper, whenever the administration should fall into the hands of the democrats. And thus a system of political oppression and persecution would commence, depending altogether on a majority of votes, and the power of the prevailing faction; but wholly unconnected with moral principles or character; with justice, equity, the necessary qualifications, or a faithful discharge of the duties of office.

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* Journal for 1798. p. 166.

* Journal for 1798. p. 105.

It might be proper and useful at that period, to announce a determined opposition to the principles and proceedings of the French; but the policy of doing this by a formal address to the president of the United States, was not without risk and danger. By introducing a custom till then unknown, and unexpected from the state, it was not improbable that a precedent was established, and a foundation laid, for an endless scene of expensive intrigue, flattery, and compliment. The precedent would unavoidably be imitated by all succeeding parties; it might admit of the greatest abuse and corruption; serve to distinguish the victories, insolence, and triumphs of the most powerful faction; but could seldom be of any advantage to an inland and agricultural state, like that of Vermont.

But whatever may be thought respecting the policy of the measure, Mr. Adams viewed the address in a very favorable light, and returned a very polite and respectful answer. "Among 'all the addresses," says he, "which have been 'presented to me from communities, corporations, towns, cities, and legislatures, there has 'been none more acceptable to me, or which 'has affected my sensibility, or commanded my 'gratitude, than this very sentimental compliment from the legislature of the state of Vermont; a state, which within my memory, has 'been converted from a wilderness to a fruitful 'field. Knowing, as I do, your original and 'progress, and the brave, hardy, industrious and 'temperate character of the people, the approbation of their representatives, their attachment 'to the constitution, and determination to support the government, are the more to be esteemed.

'It is not possible for my fellow citizens to 'say any thing more glorious or delightful to 'me, than that they regard me, because they 'love their country."*

1799. The next session of the legislature was at Windsor, in October 1799. The spirit and feelings of the country were yet strongly opposed to the French proceedings. Mr. Adams had been very active in procuring a naval force to protect the coasts and commerce of the United States. Good effects had followed the measure in checking the insolence and rapacity of the French privateers. In his speech to the assembly, Mr. Tichenor applauded this measure, and congratulated the legislature on the wisdom of the chief magistrate of the union, and the patriotic energy of the national administration; and on their own internal tranquility and prosperity, "that no daring insurrection had disgraced their government, and that the citizens continued to venerate religion, morality, and the laws."* The assembly fully approved of the governor's sentiments and measures; and in their address expressed the highest satisfaction with his election and administration, the increasing prosperity of the state, and the warlike opposition that had been made to the French aggressions and captures. "The confidence of 'your constituents expressed by a decided majority of their annual suffrages," they assure 'him, "affords the highest satisfaction to the 'general assembly. With you, sir, we sincerely 'rejoice that under your administration, the 'state is in a high degree prosperous and happy; that the bounties of providence have been 'so liberally bestowed, the blessings of health 'and peace so generally enjoyed; and the honor 'and felicity of the nation so extensively increased. To behold our citizens rapidly advancing in habits of industry and economy, 'the science of government generally under-

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* Journal of the assembly of Vermont for 1799, page 45.

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* Journal of the assembly of Vermont for 1799, page 9.

'stood among the people, and a high veneration for religion, morality, and the laws, gives 'us the fullest assurance that ill founded jealousy of our rulers cannot exist, nor the ambitious and designing find means to discourage 'the upright magistrate. We can predict with 'pleasure, the increase of well founded confidence in the state and general governments, 'built upon the firm basis of our happy constitution."*

THE business which is most apt to agitate, and for which a popular assembly is the most unfit, is the appointment of civil officers. When this came before them, they did not replace those who had been left out the preceding year; but proceeded with more moderation and caution, in making their discriminations and sacrifices.

A serious difficulty had arisen with the government of Canada, respecting the case and death of one John Gregg. This man had been arrested within the limits of Canada, by some of the citizens of Vermont; and while in their custody had been drowned in lake Champlain. Bills of indictment were found againt those citizens, in the colonial court of king's bench of criminal jurisdiction in Montreal; and a demand was made by the government of Canada, to have them delivered up by the government of Vermont, to be tried for the supposed murder.† Fortunately for both countries, the spirit of moderation and wisdom presided over the inquiries and discussions of their governors; and the matter was brought to a speedy and satisfactory issue by the liberality and justice of the governors of Canada. The assembly had so high a sense of Mr. Tichenor's services on this occasion, that they returned him their thanks in a warm and affectionate address; and desired him to inform the governor of Canada that they entertained "a very high sense of the liberal, candid, and delicate manner, in which that unhappy affair, had from its commencement to its termination been treated by his predecessor, and by him. Their conduct, when our sense thereof is known to our fellow citizens, must tend to increase the general desire for the continuation of a mutual, a free, and amicable intercourse, with the country over which he presides."*

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* Journal for 1799. p. 55.
† Ibid. p. 49.

At this session the governor communicated to the assembly, the result of his enquiries respecting the claims of the Indians to lands in Vermont: That these "Indians, the Cognahwaghahs, were anciently of the confederacy called the five nations; which confederacy, or some nation of that confederacy, might have once had a good right to the territory now claimed. In the former wars between the English and French, while the English king held the government of this country, it is believed the Cognahwaghahs separated from the confederacy, removed into Canada, put themselves under the French, and joined their fortunes with the French king, in his wars with the English: the latter being victorious, conquered the French and their allies in this country, and in Canada, upon which the whole country was yielded to the English, in right of conquest. That in the year 1775, when the king of England, who had granted these lands, made war upon this country, these Indians were his allies, in that war, and thereby subjected themselves and interest to its consequences. The people of the United States were victorious, and the king of England, by treaty, yielded to the United States all the lands south of Canada. Thus, in my view the claims of the Indians have been extinguished."* A committee of the assembly agreed in sentiment with the governor, and its was "*Resolved*, 'That his excellency the governor of this state 'be requested to notify the chiefs of the seven 'nations of Indians inhabiting lower Canada, that the state of Vermont has taken all 'possible care to examine into the merit of the 'claims mentioned in their communications to 'his excellency the governor, at the city of Vergennes, in October, 1798; and are fully of 'opinion, that their claim, if it ever did exist, 'has long since been done away and become 'extinct, in consequence of the treaty of peace 'in 1763, between the king of Great Britain and 'the French king; and the treaty of peace between the king of Great Britain and the United 'States, of which this state is a part, in the year '1783; and that the said Indians have now no 'real claim either in justice or equity."†

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* Journal for 1799. p. 64.

THE questions that most of all engaged the politics and passions of this assembly, were those which were occasioned by the resolutions which had been passed by the assemblies of the states of Virginia and Kentucky. The Congress of the United States was alarmed with the apprehension that the arrival of large numbers of emigrants from France, and other parts of Europe, with the exertions of that part of their citizens which appeared to be in favor of the French principles and measures, would involve the country in serious difficulties, and prove troublesome and dangerous to the government. To guard against such evils they had passed an *alien law*, giving to the president of the United States a power to direct aliens to leave the country, whenever he apprehended their longer residence in it would be dangerous to the public peace or safety; and a *sedition law*, defining the crime and punishment of reviling the chief magistrate, or other officers of the federal government. To both of these bills, those who were then called democrats, declared their utmost abhorrence and detestation; as being both unconstitutional and tyranical.

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* Journal for 1799. p. 97.
† Ibid. p. 143.

It was known that some of the southern states were unfriendly to Mr. Adams's administration, and it was believed that they were desirous of finding ways and means to prevent his re-election to the presidency. But whatever was the design, the states of Virginia and Kentucky passed a number of extraordinary resolutions, condemning the proceedings of Congress in passing the alien and sedition bills; and going so far in opposition, as to make the particular states the constitutional judges of the legality of the acts of Congress, and of the obligation that any state was under to yield obedience to them. These resolutions, by order of their legislatures, were sent to each state in the union; inviting their examination and concurrence, and wishing them all to avow the same principles and measures. A majority of the assembly of Vermont viewed these resolutions as greatly dangerous; in their nature, as destructive of the principles on which the federal union was first formed, and could now exist; and in their tendency, as designed to reduce the powers of the federal, and to advance those of the state governments. With such sentiments and apprehensions, they judged it to be expedient to express a determined disapprobation and opposition to those resolutions.

With regard to the communication from the state of Virginia, it was "Resolved, That the
‘ general assembly of the state of Vermont, do
‘ highly disapprove of the resolutions of the
‘ general assembly of the state of Virginia, as
‘ being unconstitutional in their nature, and
‘ dangerous in their tendency. It belongs not
‘ to *State Legislatures* to decide on the consti-
‘ tutionality of laws, made by the general gov-
‘ ernment; this power being exclusively vested
‘ in the judiciary courts of the union."

The answer to the state of Kentucky was more particular and explicit. As it may serve to explain the politics of that day, it may be of use to insert the whole.

"*To the Legislature of the state of Kentucky.*

‘ We have maturely considered your reso-
‘ lutions of November 10th, 1798. As you in-
‘ vite our opinion, you will not blame us for
‘ giving it without disguise, and with decision.
‘ In your first resolution, you observe, in sub-
‘ stance, "that the states constituted the gen-

'eral government, and that each state as party 'to the compact, has an equal right to judge for 'itself as well of infractions of the constitution, 'as of the mode and measure of redress."..... 'This cannot be true. The old confederation, 'it is true, was formed by the state Legislatures, 'but the present constitution of the United 'States was derived from an higher authority. 'The people of the United States formed the 'federal constitution, and not the states, or their 'Legislatures. And although each state is authorised to propose amendments, yet there is 'a wide difference between proposing amendments to the constitution, and assuming, or 'inviting a power to dictate or control the general government.

'In your second resolution you certainly misconstrue and misapply an amendment, to the 'Federal Constitution, which, if your construction be true, does not surely warrant the conclusion that as a state you have a right to declare any act of the general government which 'you shall deem unconstitutional null and void: 'Indeed you actually do declare two acts of the 'Congress of the United States null and void. 'If, as a state, you have a right to declare two 'acts of the Congress of the United States, unconstitutional and therefore void; you have an 'equal right to declare all their acts unconstitutional. Suppose each Legislature possess the 'power you contend for, each Legislature would 'have the right to cause all the acts of Congress 'to pass in view before them, and reject or approve at their discretion, and the consequences 'would be, that the government of the Union, 'falsely called general, might operate partially in 'some states, and cease to operate in others. 'Would not this defeat the grand design of our 'Union.

'In the eighteenth article in the eighth section 'of the constitution of the United States, we 'read, "That Congress shall have power to 'make all laws, which shall be proper for carrying into execution the Government of the 'United States." If you enquire, where is our 'redress, should the Congress of the United 'States violate the constitution, by abusing this 'power? We point to the right of election, the 'Judicial courts of the union; and, in a jury of 'our fellow citizens, we find the ever watchful 'and constitutional guard against this supposed 'evil.

'In your third resolution you again severely 'reprehend the act of Congress, commonly called the "Sedition Bill;" if we possessed the 'power, you assume, to censure the acts of the 'general government, we could not consistently 'construe the Sedition bill unconstitutional; 'because our own constitution guards the freedom of speech and of the press, in terms as 'explicit as that of the United States, yet long 'before the existence of the federal constitution, 'we enacted laws which are still in force, against 'sedition, inflicting severer penalties, than this 'act of Congress.

'And although the freedom of speech and of 'the press are declared unalienable, in our bill 'of rights, yet the railer against the civil 'magistrate, and the blasphemer of his Maker 'are exposed to grievous punishment. And no ‘one has been heard to complain that these laws infringe our state constitution. Our state laws also protect the citizen in his good name; and if the slanderer publish his libel, he is not in a criminal prosecution, indulged, as by the act of Congress, in giving the truth of the facts as exculpatory evidence. Thus accustomed to construe our own constitution, you will readily conceive that we acquiesce in a similar construction of the constitution of the United States.

‘In your fourth resolution, you declare the Alien act to be of no force, and not law: That Congress have, in passing that law, assumed a power not delegated by the constitution, and have thereby deprived the alien of certain constitutional rights. We ever considered that the constitution of the United States was made, for the benefit of our own citizens; we never conjectured that aliens were any party to the federal compact; we never knew that aliens had any rights among us, except what they derived from the law of nations, and rights of hospitality, which gives them a right to remain in any country while inoffensive....subjects them to punishment if disobedient, and to be driven away if suspected of design injurious to the public welfare.

‘The construction of the constitution, which prohibits Congress from passing laws to prevent emigration until the year 1808, in your fifth resolution, is certainly erroneous; this clause, we ever apprehended had for its object *Negro Slaves*; and to give it any other construction would be to infer that Congress after the year 1808, would have power to put a capitation tax upon every alien, who should come to reside among us. This idea is too inhospitable to be admitted by a free and generous people.

‘In your sixth resolution, you alledge that the president is vested with a dangerous power; that, by his simple order, he may remove a suspected alien. We conceive that the president of the United States, as the head of government, possesses the best means of knowing the emissaries of our enemies, and we have the fullest confidence in his using his power and knowledge for the public good. You say that an alien has a constitutional right to a trial by jury, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, and to have a compulsatory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence. If an alien among us commit a crime he may indeed be tried by a jury of the country, to which he owes *local* allegiance; but by what law shall a man be tried by jury for suspicion? If our country were threatened with invasion, a thousand spies might be sent to spy out our weakness, and to prepare bad men to assist, and weak men to submit to the enemy. Do not the common principles of self defence, enable a government to arrest such emissaries, and send them from the country, if only suspected of design hostile to the public safety? If not, should some foreign invader approach our coasts, with a powerful fleet and army, those aliens would have a constitutional right to a trial by jury.

'In your last resolution, you say "that con-'fidence is every where the parent of despotism, 'free government is founded in jealousy, and 'not in confidence." This is a sentiment pal-'pably erroneous, and hostile to the social na-'ture of man: The experience of ages evinces 'the reverse is true; and that jealousy is the 'meanest passion of narrow minds, and tends to 'despotism; and that honesty always begets 'confidence, while those who are dishonest 'themselves, are most apt to suspect others."*

No questions could have ascertained the strength of political parties, with more clearness and certainty, than the votes on these resolutions. In favor of adopting the answer to the Virginia resolutions, the yeas were 104, the nays 52. With regard to the answer to the state of Kentucky, the yeas were 101, the nays 50.† The minority however were neither quiet nor silent, when these resolves were passed. Thirty-three of them entered their protest on the journal, and assigned twelve reasons why they dissented from the majority. Those reasons were meant to express higher sentiments of the extent, and a stronger attachment to the principles of republicanism, and the powers of individual states, than the resolves of the assembly had asserted.‡

A question came before this assembly respecting an amendment to the federal constitution, which at that time seems to have been contemplated more as a matter of expediency, than of political principles. The state of New

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* Journal for 1799, p. 102—104.

† Page 108, 109.

‡ Page 148—152.

Hampshire had proposed that in voting for president and vice president of the United States, the electors should in future distinguish in their votes, which was voted for as president, and which was voted for as vice president. This alteration in the constitution, became afterwards a matter of serious debate and contention. It may be of use to remark what were the opinions of the different parties, at this period. The sentiments of this assembly were expressed in this manner: "*Resolved*, that the senators and 'representatives of this state in Congress, be, 'and they are hereby requested to use their 'best endeavors, that Congress propose to the 'legislatures of the several states, the following 'amendments to the constitution of the United 'States, to wit.

"THAT the electors of president and vice 'president, in giving their votes, shall respectively distinguish the person whom they desire 'to be president, from the one they desire to 'be vice president, by annexing the words '*President* or *Vice President*, as the case may 'require, to the proper name voted for." All the federalists were in favor of this amendment, yeas 94; the republicans were also united in their opposition to such an alteration, nays 42.*

FROM the number of votes which appeared in opposition to the political measures of the majority in this assembly, it appeared that the number of those who were called republicans was in fact very considerably increased in the assembly since their last session at Vergennes; and that they now amounted to one third of the whole assembly.

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* Page 153, 154.

1800. In the year 1800 the legislature convened at Middlebury, in the month of October. The members came together in apparent good humor, and without the prospect of any thing to produce a fermentation in the public feeling or sentiment. In his speech, the governor urged the attention of the assembly to the particular affairs of the state; but mentioned Washington's and Adams's administration, in terms of the highest approbation; as founded on principles, and containing the measures of policy, which yet ought to be pursued. Referring to the administration of Mr. Adams, and the election of a president which was soon to take place, "Should our first magistrate," says he, "be other than an independent American, the most injurious consequences to us and our posterity, are justly to be apprehended."* The answer which the house returned was mild, moral and sentimental; expressive of the difficulties of legislation, the danger of being guided by corrupt passions and interests, and the importance of sober, moral, and religious principles; become more important and impressive by the evils which had attended the violation of them in Europe. What was called federalism, was still the favorite plan of policy. Their feelings on this subject were thus expressed: "Thankful to heaven for the blessings we have enjoyed under the administration of a Washington and an Adams, we devoutly implore the same wisdom, goodness, and power, to direct our elections and our governments, and to banish from us forever calumny and detraction."†

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* Journal for 1800, p. 13.

† Page 138.

THE common business of the state was transacted without the violence of party spirit, the members that had been displaced from civil offices at Vergennes in 1798, were now replaced in their offices, and no more penal discriminations were made on account of political opinions. It was however understood that in the general course of appointments and measures, in the election of a senator to Congress, and in the choice of the electors of a president, the federal interest would prevail; and the majority meant to support Mr. Adams's administration, and measures of policy.

ANOTHER election of a president and vice president of the United States was soon to take place. It was known that if the appointment of electors for the state of Vermont should be made in the customary manner by the legislature, they would all be in favor of Mr. Adams. To prevent such an event the republicans obtained leave to bring in a bill to have the state divided into districts, and the choice of the electors made by the people. It was hoped that this measure would prove more favorable to the interest of Mr. Jefferson, than to have the appointments made by the council and assembly. On this question the strength and views of the two parties were fully discovered. After repeated discussions the bill was rejected by 95, and advocated by 73 votes.* The republican members had therefore increased in the course of the last year, and the majority on the side of the federalists did not now amount to more than twenty two. The measures of Congress in raising an army, in passing the stamp act, the alien and sedition bills, and above all the land tax, and repeated publications on the supposed want of economy in the public expenditures, had diminished the popularity of Mr. Adams's administration in the minds of many, and proved unfavorable to the progress of federalism.

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* Page 141.

At this session the affair of the Indian claims was brought to a close. Having found the advantages on a former occasion of announcing themselves to be the owners of the land, their chiefs wished to continue the trade and treaty; and a number of them attended this session of the assembly for that purpose. The governor informed them that the assembly had decided against the justice or equity of their claims, and would not purchase any title they might suppose they ever had to any lands in Vermont. The assembly voted that fifty five dollars should be given them to defray the expences of their return to their own nations; and they were informed that no more monies would be given them, either to purchase their claims to the lands, or to bear their expences in attending any future legislature.*

The encouragement of education and literature, was an object, that much engaged the attention of this assembly. The University of Vermont, established by the legislature at Burlington, in the year 1791, had not been in operation as was expected. The town contained but few inhabitants, and it was not in their power to erect the necessary buildings, procure a suitable library, philosophical apparatus, or the proper accommodations for professors and students. The trustees were embarrassed, seldom met, and a president was not appointed for the seminary. The citizens of Middlebury were anxious to have a college in that place. They erected a small, but convenient building, procured books, appointed an instructor, and collected a number of students. Their exertions had produced more of a literary appearance than was to be seen at Burlington. In this state of things they urged the legislature to let them go on, and make a college out of the school they had already formed. The matter had been suggested to the assembly at Windsor the year before; it was now urged with more warmth, and the legislature was invited to view and examine what they had already done. After much debate and reasoning upon the subject, a majority of the house were of opinion, that the exertions of Middlebury ought to be encouraged; that the most probable way to encourage the introduction and cultivation of science in the state, would be to favor those who were willing to be at the expence of it; and to make it the interest of such societies to endeavor to excell, and improve upon each other: And an act incorporating and establishing a college at Middlebury, in the county of Addison, was passed by a great majority, yeas 117, nays 51.*

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* Page 155.

THE act of incorporation gave to the president and fellows all the powers and privileges commonly granted to colleges or universities; and one, which has not been usually granted to colleges, that of prescribing and administering oaths. "To prescribe and administer such 'forms of oaths, not being contrary to the con'stitution and laws of this state, or of the Uni'ted States, as they shall think proper to be ad'ministered, to all those officers and instructors 'of the said college, or to such and so many of 'them as they shall think proper, for the faithful 'execution of their respective places, offices, 'and trusts."

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* Page 205.

In one article it seemed to differ from the general opinion and practice, which had been adopted in the United States, from the time of the American revolution. From that period, the legislature of almost every state had been careful to insert in the constitution of all such societies, a proviso, that the seminary never should be under the direction of any one religious sect, party, or denomination; and that none of them ever should have the preference in any after regulation, government, instruction, or favors of such a seminary. No proviso of this nature was inserted in the act incorporating Middlebury college; nor is there any clause in it, that appears to be designed to prevent the president and fellows from establishing any opinions, creeds, confessions, or denominations, that they may think proper. It is therefore with them, to appropriate the college education and honors exclusively, in favor of any one of the religious denominations, that they may wish to build up. The following proviso was inserted in favor of the university at Burlington, "That 'nothing in this act, or any part thereof, shall 'be construed to extend to, or give to said corporation, by virtue thereof, any right to hold, possess or enjoy any property or estates, which has heretofore been granted, or intended to have been granted, or given in charge and reserve, for the use of a college or colleges, in this state; or granted or intended to have been granted, and appropriated by this state, to the University in Vermont."

THE day after the act was passed by the assembly, a motion was made for leave to introduce a bill entitled an act to prohibit the corporation of the University of Vermont, leasing any more of the lands granted by the state, for the use of a college. When the bill was introduced, the question was proposed, whether the bill should be dismissed; 108 voted in the affirmative, 54 voted in the negative, and by this large majority was the bill dismissed from any further consideration of the assembly.*

1801. THE events of the year 1801 opened a new scene for the maneuvres of political parties. Mr. Adams had lost the election for president of the United States; and after violent contests and repeated trials, Mr. Jefferson, on March 4th, was placed in the president's chair, by a majority of one vote. On assuming the powers of government he made an inaugural speech, of a very conciliatory aspect; disclaiming the principles of political intolerance, urging those of candor and magnanimity, and stating that a difference of political opinions, was not a difference of principles; and that notwithstanding this apparent diversity in sentiments, with regard to the federal constitution and government

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* Page 220. 245, 246.

"We were all federalists, we were all republicans." By such an unequivocal avowal of his political opinions and intentions, it was hoped by the wise and judicious of all parties, that the time was come in which an end would be put to the names, pretensions, and animosities of the political factions; and that all of them would unite in the support of the federal government.

So far as Vermont was concerned in such debates, the aspect was favorable to such a conciliatory event. The federal party had been loud in their declarations, of the support and assistance that ought to be afforded to the federal government; they could not in consistency with their avowed declarations and principles oppose the federal government, because Mr. Jefferson, by a majority of votes, had been placed at the head of it. The republican party had wished and endeavored to promote Mr. Jefferson's election to the presidency; and if either of them now meant to preserve a consistency of appearance, principle, or character, it should seem that they must unite in supporting the government, to which they had avowed such an attachment; and at the head of which, Mr. Jefferson was now constitutionally placed. In this state of uncertainty and expectation, both parties were watching what would be the measures of the new president; but in a few weeks, all their doubts were removed. The attorney of the United States, and the marshall of the district of Vermont, who had been appointed by the former presidents, were removed from their offices; and their places filled with gentlemen who had advocated different political sentiments. Numerous changes of a similar nature were made in the other states; and it was not pretended that there was any other reason for these removals and appointments, but political opposition or attachment to the former or to the present president. It was now believed that the system begun in Mr. Adams's administration, would be pursued by Mr. Jefferson; and that the political sentiments of a president and his party, would be made the essential and necessary qualification for office. And what was still more alarming, it was apprehended that this measure unavoidably arose out of the system of election; that a president of the United States always would be put into office, by the violent exertions of some party; that this party, by whatever name it might be called, must be rewarded by the disposal of all the offices of honor and profit; and that a president would be always so dependent upon his creators, that it would in fact depend upon them much more than upon him, who should be turned out and who should be put into the offices and emoluments of the federal government.

IN this state of public expectation and anxiety, the legislature met at Newbury, in October 1801. The governor seems to have been aware of the difficulty and delicacy of managing the public business at that period; and very doubtful what he had to expect from the tempers, views, and parties, that might prevail in the assembly. With regard to their state elections and appointments of civil officers, he represented their duty in this manner, "The appointment 'to civil offices is a necessary part of the business, which the constitution assigns to the general assembly, at their annual session. Unfortunately for our country, this has become a matter of discord and party contention in some parts of the union. It cannot be necessary, and it cannot be expedient, to make that which the constitution contemplates as a very serious and important duty, become a matter of party contention or private interest. By avoiding every thing which has the appearance of partiality, of intolerance and private interest, and by aiming to appoint those men who are the best fitted and qualified to discharge the public offices and services, we preserve to ourselves the approbation of our own minds, and give to our fellow citizens complete evidence, that the principles of republicanism are not the principles of *contention*, of *intolerance*, of *individual interest*, or of *faction*; but those of candor, of public utility, and of national prosperity."* With regard to the federal government, the governor expressed his opinion in this style, "Our duty to the federal government does not depend on names, persons, or political distinctions; least of all, does it depend on having the other states uniting with us in the election of any particular person to be president of the United States. Whoever holds that important office by constitutional appointment and authority, is justly entitled to all the respect and obedience which the constitution and the laws have attached to the office; and that which in the federal system is to be revered and obeyed, is not any particular name

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* Journal of the assembly of Vermont for 1801, p. 12

'nor opinion, but national and constitutional au-
'thority. There cannot therefore be a doubt,
'but that it is our duty to support the federal
'union, to obey the federal laws, and to do all
'in our power to support and preserve the con-
'stitution and government of the United
'States."*

In the house of representatives there was now a majority of eighteen or twenty members, of the party that was called republicans. The assembly chose a committee of three members, to prepare and report a respectful address to his excellency; of this committee two were warm republicans, and the other a reputed federalist. Unhappily the draughtsman was but poorly qualified to write an address. His answer was rude, rough, and offensive; in some parts full of awkward compliments, in others abounding with disgusting sneers; and every where replete with incorrectness, sarcasm, a blundering ostentation of affected republicanism, and unbounded joy that it had gained the ascendency.
" Permit us, sir, in the sincerity of our hearts,
' to congratulate you, with an almost unbounded
' fervor, on the spirit of true republicanism hav-
' ing so far regained its well merited ascendency,
' that you are not under the disagreeable neces-
' sity, as you was in 1798, of warning us against
' the dangers which might arise from a few ig-
' norant, designing and deluded men amongst
' us. Permit us farther to congratulate your
' excellency, on the election of president of the
' United States, who is not destitute of the sen-
' timents of "an independent American," and

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* Page 14.

'who, you do not suspect, will be influenced in 'his administration, by a predilection for foreign 'principles, or for the government of any foreign 'nation. For sure we are, did not your opinion coincide with ours, on this happy occasion, 'the same parental care, which so much alarmed your fears, when the evil was only in prospect, must have induced you to have warned 'us of our danger, with redoubled animation, 'when that evil had actually taken place."* Some of the members moved to have some of the most exceptionable expressions and passages, either expunged or altered. The attempt to correct the language and sentiments, was viewed as a struggle of the federalists to regain their numbers and influence. Four times did the assembly vote by yeas and nays on this address; and after some alterations, by rejecting some of the most obnoxious passages, it was carried by a majority of 34 votes.†

From the violence with which the federalists had conducted in 1798 at Vergennes, it was expected that the republicans would now pursue the same measures, and avail themselves of their majority to displace their opposers. They saw and avoided the error, in their appointment of civil officers. Three new judges were appointed for the supreme court; but their appointment was not founded on their political opinions, but on their supposed qualifications for the office: And in their other appointments they followed the customary method of regarding the nominations of the particular counties, without more exceptions than had been usual. The customary business of the state was attended to with diligence and calmness; and was transacted without the appearance of partiality, discord, violent animosity, or the intrigues and injustice of faction.

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* Page 96, 97.

† Page 101. 105. 110.

THE federalists at Vergennes in 1798, had introduced the custom of addressing the president of the United States. If this was but a decent piece of respect to Mr. Adams, it was fit and proper that the same kind of respect should be shown to Mr. Jefferson; and the republicans concluded that at his first introduction into office, they could do no less than to imitate the former example and practice, by now making a respectful address to the president of their particular choice and esteem. A committee was appointed, and reported an address to Mr. Jefferson. The address expressed a strong attachment to the constitution, to the presidency, and to Mr. Jefferson's person, political opinions, and administration. It announced their full approbation of the political sentiments, which the president had expressed in his inaugural speech; contained a brief description of the objects which they hoped the federal government would pursue; and expressed a wish that "no one description of citizens might be ever favored at the expence of any other."* The composition could scarcely be said to rise to elegance, but it was moderate for the time and occasion, and did not contain any reflection on the former administration; and was rather a description of principles really republican, than the violent production of any scheme of party politics.

* Page 192.

When the house came to debate on the address the different feelings and sentiments of the parties were put in motion. The federalists proposed an alteration of some particular paragraphs and expressions, which they supposed were neither proper nor true. This was understood to be a design to prevent any address being made. The debate about words and phrases became angry, was mixed with jealousy, and produced much imprudence and ill nature. Three days did the assembly attend upon this business of an address and ten times were their votes taken by yeas and nays. The feelings and zeal of parties were gradually increased and exasperated, till at last they rose to a fervor and frenzy that scarcely left room for consideration, calmness, or discernment. A large party would not hear any reasons for amendments, but immediately decided all such proposals by votes; and such was the effect of zeal, heat, opposition, and repeated votings, that when a federal member moved "to strike out the word unanimous," 78 voted against it, thus virtually declaring that they were perfectly unanimous: and 60 voted for it, asserting that they were not perfectly unanimous.* At the end of two days, a leading republican member foresaw the remarks and ridicule that would attend the folly of voting that they were unanimous, when every one of their votes expressed the most violent oppositions and contentions; and moved the house to reconsider their decision on that question; 118 now voted to reconsider the decision, and not say that they were unanimous; 29 voted against a reconsideration, that was to alter the phrase, but to let the language and vote remain that they were unanimous.† Tired at length with their own inconsistencies and debates, uncertain what they meant, and fearful of the displeasure of their constituents, after having made some small corrections, they adopted the address, yeas 86, nays 59.†

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* p. 200.

THE proceedings of the house on this address are a memorable proof and instance how easily small objects may agitate the passions of a popular assembly; how nearly such collections may approximate to a mob; how unable they are to command their reason when inflamed by favorite pursuits, mutual jealousies, opposition, and intrigue; and how incapable they are, amidst all their other feelings, to feel the passion of shame. Having finished their address, and compleated the business of the session, the assembly rose on November the 6th; not perfectly satisfied with their own proceedings, or certain of the approbation of their constituents; a large majority of the people being on the side of government, order, and moderation, and averse to the arts, intrigues, and factions of the political partisans. Two copies of their address were ordered to be transmitted to the President, one by the mail, the other by the honorable Israel Smith, one of the representatives in Congress from Vermont. Mr. Jefferson returned an answer to the address, but I do not find any account of it on their journals.

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† p. 212.

† p. 218.

1802. In the fall of the year 1802 the legislature met at Burlington. As no political disputes were now running high, it was hoped that nothing would occur to disturb the minds of the members, or to prevent an uninterrupted harmony in the proceedings of the assembly; the majority of which, it was known, was of the party that were called republicans. The custom of making a speech to the assembly had been practised so many years, that it was expected that the business of the session would be opened in this manner. Mr. Tichenor still carried the election by a respectable majority. In his speech to the assembly he mentioned the danger and effects of party zeal: "One of the greatest misfortunes that attends republican government, 'is the progress and violence of PARTY SPIRIT. 'We need not recur to ancient history for 'proof. Our beloved WASHINGTON, with all 'his moderation, wisdom and virtues, was not 'able to repress this destructive spirit; we 'know that an ardent love for his country, and 'a life devoted to its service with the most upright intentions, did not shield him and his 'measures, from its malignant effects. It existed in his day, and has progressed with time, 'and increased with violence until now."*

The house chose a committee to report an answer to the speech, the first member of which was the same person who draughted the answer the year before. The answer meant to compliment the governor on his "just and generous feelings," and "beautiful language of elegant simplicity." It was intended as a public declaration of their opinions and sentiments respecting the characters of all the presidents, Washington, Adams, and Jefferson. It deplored the increasing rage of party spirit, announced their wish to strengthen the union and augment the dignity of the United States, and expressed their hopes that all their public acts would conduce to the best interests of the state. The address was written in a peculiarity of language; and contained expressions and phrases, from which it could not be clearly determined what was meant, and what was not meant by the writer. Some of the paragraphs were in this style: "We 'with you, sir, most sincerely lament the progress of party spirit. True it is, and with sorrow do we acknowledge that the moderate, the 'wise, the prudent WASHINGTON, with all his 'great and good qualities, did not escape from 'the tongue of slander. Endeavors also have 'been made, at no very distant period, to envelope in a cloud of black detraction, those 'patriotic exertions of an ADAMS, so highly 'conspicuous, and eminently serviceable, at an 'early period of our revolution, in an hour of 'extreme weakness, before even we had arrived 'at the years of political manhood. But the 'animadversions on the administration of our 'present chief magistrate, our mild, our serene, 'our benevolent JEFFERSON, have been clothed 'in language, charged with peculiar and unprecedented venom. The purity of his motives, 'the applause he receives from the great majority of his fellow citizens, must however, sweeten his injured feelings, and create in his heart 'a generous and benevolent compassion for his 'revilers."*

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* Journal of the assembly for 1802, p. 16.

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* Page 114, 115.

When the answer was reported to the house, the sentiments of the members appeared to be very different. Proposals were made to have almost the whole of it expunged or altered, but the votes on such motions were carried by a small majority against any alterations; and when the vote was taken in favor of adopting the address, the yeas were 93, and the nays 85.* On this occasion several of the dissatisfied members determined not to be responsible for a production, which they viewed as dishonorable and disgraceful to the house. Fifty nine members drew up their protest, and presented it to be entered on the journal of the assembly: It is inserted, as serving to exhibit clear views of the abilities, feelings, and policy of the different parties at that period. "We the undersigned, 'members of the house of representatives of the 'freemen of the state of Vermont, having voted 'in the negative upon the question of the answer 'to his excellency the governor's address to the 'council and this house, do, in pursuance of 'our constitutional right, insert the following 'reasons for our votes, upon the minutes of the 'journals.

'First, Because in the fourth and fifth paragraphs of the answer, the majority have expressed sentiments upon characters and subjects, to which the address of his excellency 'had no relation, and *savors strongly* of that 'party spirit, which it was the design of his excellency's address, to discourage and allay; 'and which, it has been the united endeavor of 'the undersigned, through the progress of the 'debate, to moderate and assuage,

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* Page 117.

‘SECONDLY, Because the fifth paragraph, under the mask of flattery, contains an insidious attack, upon the official conduct of John Adams, late president of the United States; whose administration of the general government we highly approbate, and whose retirement into private life, if it cannot restrain the malignity of individuals, ought at least to have secured him from legislative censure.

‘THIRDLY, Because, in the sixth paragraph, fulsome adulation is bestowed upon Thomas Jefferson, president of the United States, highly unbecoming a dignified assembly, of the representatives of a free people to offer, or the chief magistrate of a great nation to receive, without sensations of disgust. And because the answer to the address, in the same paragraph, asserts, that “the purity of the motives, and the applause which the president of the United States receives, from the great majority of his fellow citizens, must sweeten his injured feelings, and create in his heart a generous compassion for his revilers;” when we cannot know the purity of his motives, or that he now receives the applause of the great majority of his fellow citizens, or what effect such applause might have to sweeten his injured feelings: Nor has his public conduct afforded any evidence of such compassion for his revilers. And because it is highly improper to offer this consolation to the president of the union, in a reply to the governor's address, which does not point to the subject.

‘FOURTH, Because the language of the answer is puerile, feeble, and totally inconsistent 'with that dignity of style becoming a legislative assembly.

'FIFTH. Because the answer compliments 'his excellency upon his style, when it should 'have approbated his official conduct, and adopts 'expressions, which might have been pardonable, but ought to have been corrected, in a 'youth in the first classes of education.

'SIXTH. Because the expressions of *beautiful language*, *elegant simplicity*, *black detraction*, *contumelious slander*, our mild, our serene, 'our benevolent, and page of *argument*, are as 'strong instances of a violation of rhetorical 'propriety, as the sentiments of the answer are 'an infringement of legislative decorum. And 'lest the impropriety of the sentiments, the imbecility and boldness of the language, and the 'grammatical inaccuracies of this reply to his 'excellency's speech, should be imputed to us 'individually, and the party zeal, which it tends 'manifestly to excite among our fellow citizens, 'be charged upon us, by our constituents, we 'do exercise our right, in thus publicly protesting against the same. And though we are unhappily in a minority, we console ourselves in 'the reflection, that we have in vain proposed 'conciliatory amendments, combatted the zeal 'of party with moderation, and the perverseness of power with that charity which suffereth 'long and is kind. And we doubt not that we 'shall meet the applause of our constituents, and 'the approbation of men of discernment, science, 'virtue, and literary taste."*

THE acrimony and recrimination that had attended this contest seems to have convinced all parties that they had not arrived to infallibility in their plans, or to great eminence in the business of making addresses; and that instead of being rewarded with eclat and applause, they were much more likely to meet with derision and ridicule from their constituents. To avoid such scenes, one of the members gravely introduced a motion that the house should earnestly recommend in future that the governor should not make a formal speech; and assigned as the reason that a formal speech from the governor, and a formal address in answer, usually engrossed a very considerable time in lengthy, warm, and fruitless debates, and delayed the more important business of legislation.* Unwilling to give up the business, from which several of the members had acquired their importance, and derived their honor and offices, the vote of the majority decided against the motion.

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* Page 284, 285, 286, 287.

Happily for the assembly no other political questions came forward at this session, that would naturally divide and inflame the members; and having struggled with great ardor, but without much success or honor, about their address, both parties wisely quitted the business, and applied to the common and necessary concerns of the state. Their elections were chiefly in favor of what were esteemed republican characters. Some of the former civil officers were removed on account of their political opinions, or rather to make room for the appointment of some favorite republicans. But although it was meant to favor that party in the appointments to civil offices, it did not appear that a general plan of intolerance and dismission from office on account of political opinions, was either intended or pursued by this assembly: Nor indeed was the majority of the republican party sufficient to hazard such a step, whatever might be their wishes; their majority in this assembly being evidently less, than what it was at Newbury, the year before. In the business of making addresses, it plainly appeared that the assembly could not proceed without being thrown into party, faction, and ill nature; but in managing the common and ordinary business of the state, that for which the assembly was annually elected and convened, the political partisans were not much engaged, and of very little use. The more honest, judicious, and useful members, took up this business; and managed it with impartiality, propriety, moderation and wisdom; and it was from them chiefly for several years, that the state had enjoyed the substantial benefits of society and civil government.

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* Page 130, 131.

1803. THE next meeting of the assembly was at Westminster, in 1803. At that time every part of the United states was greatly agitated by political debates, hopes, and fears. A majority of the people were evidently in favor of Mr. Jefferson's administration; and that majority, it was known, was increasing. At the same time the reputed federalists were a very powerful body on account of their abilities, numbers, and wealth; and had most of the commerce and monies of the country at their command. Both parties jealous and fearful of each other, were carefully watching the course of events; and ready to embrace any opportunity that might present, to favor their own cause. The affairs of war and peace in Europe, were perpetually changing; and the measures that France or Great Britain might pursue, might essentially affect the interests, and probably the councils and measures of the United States: And amidst the variations of European politics, events or designs might appear, that would soon throw the balance of popularity and power into the hands of either of the contending parties.

ANOTHER consideration of more immediate weight and consequence was the election of a president and vice president of the United States. The choice of the electors for that purpose would come on in the course of another year; and although it was certain that a majority of the people were in favor of Mr. Jefferson, it was not certain that this would secure his election. By the federal constitution, the votes for president and vice president were not to be designated by the names of the persons that were intended for the one, or for the other of those offices. The votes were to be taken without any such designation, and that name which had the largest number of votes, was declared to denote the president; and that, to which the next greatest number of votes was assigned, signified who was to be vice president. It might therefore happen, that the person whom the electors meant to choose for vice president would have the greatest number of votes, and thus be chosen president, when the electors meant the reverse. It was apprehended that this would in fact be the case at the next election: That all the federal electors would vote against Mr. Jefferson, and that both the federal and republican electors would vote for Mr. Burr, the vice president; and thus a considerable majority of votes would be found for Mr. Burr, and place him, contrary to the design of the republican electors, in the president's chair.

There did not appear to be but two ways to prevent this. The one was, to render Mr. Burr so unpopular, as to prevent his carrying an election for either office; the other was so to alter the constitution, as that the votes of the electors should designate the name of the person whom they meant to vote for as president, and as vice president. The leading politicians on the republican side, concluded it would be best to avail themselves of both methods; and they soon began to suggest that Mr. Burr's conduct was marked with duplicity, ambition, and dangerous designs. The surer method, however, would be to effect an alteration in the federal constitution; and this they believed they could bring about by engaging the Congress to adopt the measure, and recommend it to the legislatures of the several states. Mr. Jefferson had called upon Congress to assemble at an earlier period than was usual, to decide on the purchase of Louisiana; and it was understood by the leading politicians, that as soon as this business was compleated, the measure of altering the constitution would be taken up; that there might be time for the republican states to complete the plan, before the election of president and vice president should come on.

In this state of political intrigue and anxiety, the legislature of Vermont came together, in the beginning of October. The governor opened the business of the session as usual, with a speech; carefully avoiding political questions, recommending the customs and practices of their ancestors, and calling their attention to the state of their own laws, treasury, militia, and other concerns of Vermont.* The assembly chose a committee of three, two of whom were reputed federalists, to report an answer to the speech. The answer was short, confined to state matters, and announced that they would attend to the interests of their constituents, and endeavor to discharge their own duty with candor and fidelity. It was unanimously adopted, and without any debate; and the same members that had prepared, were appointed to present it to his excellency. As the address on this occasion served to prevent the debates, contentions, and delays of business, to which former assemblies had been exposed, it may be of use to note a production, that seems to have prevented the like difficulties now. The whole of it is contained in the following quotation:

"SIR, The General Assembly received with 'great satisfaction your excellency's communi'cation.

'YOUR recurrence to the infant state of our 'republic, to the wisdom, the virtue and firm'ness of our ancestors, excites in our bosoms 'the liveliest emotions of gratitude for the rank 'we hold among our sister states, and the pri'vileges we enjoy as an independent people.

'WE enter on the business of the present

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* Journal of the assembly for 1803, p. 13.

'session with anxious solicitude, to discharge 'the several duties assigned to us, with candor, 'ability, and promptness; and that our suffrages 'will elevate to office some of our wisest and 'best citizens, and our deliberation result in 'such measures as will promote the cause of 'piety and virtue among the people, and secure 'the great objects of justice.

'WE shall bestow that early consideration on 'the several subjects pointed out in your excellency's address, which they respectively 'merit, and shall cheerfully co-operate with your 'excellency, in every measure which may tend 'to promote the honor and interest of this state: 'Particularly that part of it which relates to our 'fellow citizens the militia; whose interests, in 'common with our own, we unite with you in 'believing, have strong claims on legislative 'aid."*

NOTHING appeared to discover the designs and feelings of parties till the appointment of civil officers came on. When such appointments are made by popular assemblies, they must always admit of much room for intrigue, self interests, and private views. In addition to the usual motives of this kind, the republicans now meant to strengthen their own party as much as possible. They had a majority of votes, but their majority was not large; they meant however to employ it to weaken and discourage their opposers. The former speaker was not reelected. One of the judges of the supreme court was displaced; two new judges were appointed in the county of Windham;

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* Page 36, 37.

two new judges were appointed in the county of Windsor; the sheriff of Chittenden county was displaced, and several other alterations of a similar nature were made: And all the vacancies were filled up, with what were esteemed high republican characters. In the nature and extent of the destruction, and in the appearance and effects of party zeal, this assembly manifestly exceeded the federal zeal and folly at Vergennes in 1798. And it plainly appeared that the republican party was governed, by the same views and motives; to intimidate and silence their opposers, and to encourage and increase the number of their adherents, satellites, and supporters.

The customary and annual business of the state did not admit of much party consideration, and was carried on in the usual and customary form. With regard to the intended alteration of the federal constitution, it was thought best to ascertain what the strength of the parties would be on such a proposal. It was probably with this view that the following resolution was brought forward by one of the republican members: "Whereas dissentions of the most seri-
' ous nature have already arisen, and incalculable
' evils may further arise, from the mode pointed
' out in the second article of the constitution of
' the United States, for choosing of president
' and vice president of the United States. There-
' fore, *Resolved*, as the sense of this legislature,
' that it is highly important that an alteration
' should take place in the above article of the
' constitution of the United States, by which the
' future electors of president and vice president

'of the United States shall be directed to designate the persons voted for, by declaring which is voted for as president, and which as vice president. And in pursuance of an undoubted right, inherent in this legislature, be it further *Resolved*, That the senators of this state, in the United States, are hereby instructed, and the representatives of the people of this state, in the Congress of the United States are hereby earnestly requested to use their best exertions in obtaining the above alterations in the constitution of the United States, or some other amendment which will be substantially equivalent."* The resolution passed without any difficulty,† and was adopted by the council.‡ But although the resolution was passed by a great majority, still it did not amount to what the leaders desired and expected. It was not probable that such a resolution coming from a single state, would have any considerable effect: To give it weight, energy, and extent, it was every way more eligible that it should come recommended by the Congress of the United States.

As the time passed away, the leading members of the assembly became extremely impatient to hear from Congress. Every moment were they looking for a messenger, to bring on the proposed alterations in the constitution. They did not come. What should be done? To lengthen out their session to an unusual period, would render them unpopular among their constituents. To finish the session without adopting the alteration that was to be made, was probably to loose the chance of doing the business soon enough to have the concurrence of the state of Vermont. In this anxiety, one of the members informed the house that he had a copy of the message of the president of the United States, at the opening of the extra session.* The house ordered that it should be read. It related to the difficulties occasioned by suspending the right of deposit at the port of New Orleans, and the measures that had been pursued for the acquisition of Louisiana; stating to Congress the measures that were necessary for the immediate occupation, and temporary government of that valuable tract of country; the measures that had been taken with some of the Indian tribes, with respect to the Tripolitan cruisers, the boundaries of the United States, their annual revenue and expenditures, and other important national concerns. It was inserted in the journals of the assembly.

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* Page 66. † p. 89. ‡ p. 105.

In the afternoon of the same day, a zealous republican member made the following motion; "*Resolved*, That from recent information, added to many circumstances hitherto unknown, 'this house ought to address the president of 'the United States, congratulating him on the 'present happy situation of the union, as it respects foreign nations, and their own domestic 'felicity. That this house at the same time, 'express their approbation of the general conduct he has pursued in his present dignified 'station."† The motion was read, and ordered to lie on the table. Several of the members viewed it as altogether improper for the legislature to make an address to the president on that occasion; and that it could not be construed in any other light, than *The answer of the assembly of Vermont to the president's message to the two houses of Congress;* and hoped that so ludicrous a motion would not be any further urged, as no communication had been made to them by the president. The intrepid mover did not mean however to loose the opportunity and enjoyment of displaying his talents and patriotism in writing another address. At the end of fourteen days the motion was called up, and the question proposed whether it should become a resolution of the house. The yeas and nays being demanded it passed in the affirmative, yeas 98, nays 62.* In two days the address was produced.† It contained scarcely a sentiment or idea, that was not borrowed from the president's message to Congress; and these were disfigured and deformed by a preposterous attempt to turn every paragraph into adulation. The assembly scarcely knew what to make of it. Nobody commended it, and nobody opposed it; it neither occasioned opposition, applause, or even remark; but passed into a resolve with that inattention, that generally denotes insignificance and want of importance in the subject.

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* Page 121. † p. 131.

It was at this session that the subject of banks first came before the legislature of Vermont. These establishments had taken place in all the adjacent states, and in almost every state in the union, and were become very numerous; most of the monies in circulation, were already of this description. Whatever inconveniencies attended the institution or number of banks, Vermont felt her full share of them; whatever advantages arose from these establishments, Vermont shared no part of the profit or convenience. The towns of Windsor and Burlington now came forward with petitions, to be allowed to establish banks in those towns, upon the same foundations and principles, as those, on which banks had been granted in other states. The assembly was not enough acquainted with the nature, principles, or operations of such monied establishments, as to venture to make up their judgment; and the council was less acquainted with the subject than the house, and was decidedly against any establishments of the kind. The subject was repeatedly considered, and after many proposals and resolutions was referred to the next session of the legislature.

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* Page 243. † p. 264.

It had not been customary for the assembly to have their session longer than four weeks, seldom so much as five. The customary period was arrived, and no messages from Congress had announced the proposed alteration in the federal constitution. The policy of the leaders was not to lose their popularity with the people by continuing the session to a longer period of uncertain date, and not to lose the chance of lending their aid to alter the constitution soon enough to secure the president's election. In this dilemma a motion was made, November 12th, "That the sense of the house be taken, whether an adjourned session of the legislature of the state is necessary, in the present state of public affairs, and under existing circumstances." The yeas and nays were called for; and the question was decided in the affirmative, yeas 76, nays 53; and it was resolved that an adjourned session be held at Windsor, on the last Thursday in January.*

1804. At the proposed time the assembly met at Windsor. The speaker presented to them the return which the president had made, to their address of the preceding November; and they ordered it to be entered upon their journals. But all the abilities and penetration of Mr. Jefferson could not find any thing in their address, which could be answered. With much wisdom and propriety he adverted to the general measures of the federal government, and the prosperous state of the country; thanked them for their affectionate expressions of concern for his present and future happiness, and prayed heaven to have them and the country in its holy keeping.†

The grand desideratum, the expected message from Congress was now come; and on the first day of the session, the governor laid before them a copy of the amendment which had been proposed by congress to the constitution of the United States, respecting the election of president and vice president. The substance of it was that the electors should name in their ballots the person whom they voted for as president, and as vice president. The federal senate and house of representatives had adopted, and recommended this alteration; and if it should be ratified by three fourths of the legislatures of the several states, it would become to all intents and purposes a part of the federal constitution. After some formalities about the proper mode of proceeding, and some debates upon the subject, it was resolved to adopt the proposed alteration, yeas 93, nays 64; and it was soon passed into an act of the state, with all the regular forms and signatures.* The expence of the adjourned session was 4,964 dollars and 88 cents;† and having decided upon an alteration of the constitution, and attended to some state business, the assembly adjourned after a session of twelve days.

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* Page 271, 272.

† Journal of the adjourned session, p. 7.

No political measure had ever been attended with greater contention and debate, or pursued with a more determinate resolution than this. On the one hand it was contended, that the measure was fit and necessary to be taken; that the constitution of the United States, contrary to the intention of the framers of it, and to the expectations and wishes of the people, did in fact admit of the case that a person might be placed in the president's chair, whom the electors did not mean to appoint; that an instance had occurred already, in which this difficulty had nearly occasioned a dissolution of the federal government and union; that it might, and probably would happen again, and that the consequences might be fatal to the whole federal system; that most of the states had in fact wished for such an alteration, and that several of them had actually proposed and urged it; and that Vermont in particular, in the year 1799, had adopted and proposed this alteration and recommended it to the acceptance of the other states in the union.

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* Page 24.
† Journal for 1804, p. 274.

On the other hand it was said, that the proposed alteration was avowedly for the purpose of securing a doubtful and contested election; that it had no other object than to place Mr. Jefferson in the president's chair, which the party dispaired of effecting in any other way than a change in the federal constitution, made for that particular purpose and occasion; and in this way to give success and triumph to a party, who could not obtain the victory otherwise than by making a new constitution to effect their purposes: That the constitution was meant in fact to elevate that person to the highest honors, who should be distinguished by the largest number of votes, that all the principles of republicanism required that it should be so, and were in direct opposition to the proposed alteration: That if any alterations in the federal constitution should be thought necessary, they never ought to be made to favor the views, designs, or promotion of any man whatever: That the present was the most unfit of any time that could be chosen to pursue such a measure, as the design of it was known to all mankind to be no other, than to secure the election of a particular person, and the power of a particular party; That the constitution had been already violated and deranged by the votes and violence of a prevailing faction, and if it was now to be changed and twisted to secure their power and preponderance, it could not be of any avail, or afford any security; the same measures would be pursued, whenever the wishes and interests of a prevailing faction, should find it expedient or convenient; and that the American republic, already involved in the violence and war of party and faction, and disregarding her constitution the most sacred of all her political attainments, would end like all the ancient republics in division and anarchy, and of course in the introduction of monarchy, despotism, and tyranny.

DIFFERENT judgments will probably be formed, of the weight and importance that ought to be assigned, to these different topics and methods of reasoning. It will be impossible for the historian to ascertain in which party, the influence of virtue and moral principle had the ascendency; for they had both of them totally changed their principles and votes, in the course of four years. When the same question was agitated at Windsor, in the year 1799, all the federalists were in favor of making such an alteration in the constitution, and all the republicans voted against it. In the year 1803, all was the reverse; the republicans were united in urging and voting for the alteration, and all the federalists were united in opposing it.

WITH regard to the alteration itself, it seems safe to assert that when a measure is fit and proper to be done, it must be done at a time, when the minds of the people are prepared to receive and adopt it; and that there cannot be any certain remedy in a free government, against the effects of popular fury and faction. The physical strength, in all governments, is in the people; and when they become united and inflamed either by oppression, faction, or folly, there can be nothing in a free government that is able to resist their violence, or prevent their pulling down the governments which they have set up. It is by moral principles, and those of social utility, by reason, wisdom, virtue, and their own interest, that such governments can alone be preserved. When any party becomes sufficiently powerful, popular, and disposed, to set aside moral and social considerations, all that belongs to a free government is actually lost; and it is vain to expect that any thing which is written on a piece of paper, can in such cases prevent the dreadful catastrophe. Nor can monarchy, or any other form of government, secure itself against such an event.

THE annual session of the legislature in October 1804, was at Rutland. The course of political proceedings had now taken a regular form and aspect; and it was known that the federalists had nothing to expect from the offices and emoluments of government. Among the subjects proposed by the governor for the consideration of the assembly, one related to the situation of the northern line of the state. It was not known by whom this line was run, at what time, or with what accuracy; but it was universally believed that it was run in a direction deviating from the parallel of latitude, and much to the injury of Vermont. The inhabitants near the reputed northern boundary were persuaded that the direction of the line was towards the southeast, that the state was on that account deprived of a large tract of valuable land which belonged to it; and as the adjacent townships were rapidly settling, that they should eventually be involved in expence and trouble, some contests about the matter. The house appointed a committee upon this business, and their report was that the governor should be desired to write to the president of the United States on the subject.

POLITICAL interests made a deeper impression on the minds of this assembly than the situation of their own boundaries. The state of Massachusetts had proposed an alteration in the federal constitution, so as to have the representatives apportioned among the states, according to the number of their free inhabitants, to the exclusion of any representatives elected on account of the number of slaves in any state. This amendment would increase the influence of those states in which there were but few slaves, and diminish the number of representatives in those states in which the number was already great, and constantly increasing; and it was hoped that an attempt to augment the importance and influence of freedom, and to discourage and disarm slavery of all political importance, would accord with the feelings, and engage the votes of a popular assembly, who were always speaking in the high tone of freedom, and the rights of man. All parties however perfectly well understood the business. The federalists supposed the amendment would give strength to their claims and principles; and the republicans saw as clearly that the foundations of their power and influence were laid in Mr. Jefferson's administration, and their adherence to the principles of the southern states. The debates on the question were warm, and animated; and it was more popular to descant in favor of freedom, than on the influence and elections that were derived from the number of slaves in some of the states: but when the debates were finished, the majority of votes was for rejecting the Massachusetts proposals, yeas 106, nays 76.* Had three fourths of the state legislatures adopted the Massachusetts amendment, there cannot be much doubt, but that it would have endangered the federal union; and many, who were from principle for preserving the federal compact in its original state, were not sorry that it was not agreed to by the state of Vermont.

The common and usual business of the annual session, was transacted with propriety and expedition. Many useful bills of a private nature were passed; and the concerns of towns and individuals were attended to with impartiality and justice. The zealous political partisans were neither well qualified, or very desirous to be much engaged in such kinds of necessary or useful services. When this sort of business was to be done, the politicians were quiet; and all was calmness, diligence, and attention in the assembly. But as soon as the views and feelings of parties were involved in a political pursuit or measure, all was contest, partiality, and duplicity.

Towards the close of the session an important and serious inquiry was proposed, Whether the judges of the supreme court had not in certain cases taken fees which were not allowed by law? A committee of three members were appointed to state facts, and make report. Of this committee, it was understood that one member was a republican, and that the other two were federalists. In a few days, on motion of the republican member, it was ordered that two new members should be added to the committee; and that they should join such a committee, as the council might also appoint. The two new members were taken from the republican party, and of course the majority of the committee were now republicans. The council refused to join in the inquiry, alledging that if there should be any impeachments, they were the body before whom the trial must be had. After several meetings the committee made a report, which was read, and by order of the house the resolution was recommitted. On the last day of the session the committee made the same report as before. It stated many cases and facts in which the fees had been taken, which were complained of as being new, illegal and oppressive; contrary to the practice of all former judges of the supreme court, and to what was then the practice in the county courts; but considered the conduct of the judges in requiring such fees, as not illegal. "Your committee further report, that in their opinion, the 'said fees were taken in conformity with a fair 'construction of the fee bill." The report being read, it was accepted so far as related to the facts stated therein, but not as to the opinion given of the legality of the proceeding.* The same day the house adjourned, and left the matter in this state of indecision, for the people to wonder, doubt, or believe, as best suited their own particular wishes or system of politics. To give, and to leave such a dubious and unfinished aspect, to a matter of so serious a nature, cannot be represented as a method of proceeding either just with respect to the judges, safe with regard to the people, or as honorable with respect to themselves.

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* Page 161.

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* Journal for 1804, p. 155. 261. 273. 321. 369, 370.

1805. The next year the legislature met at Danville in the county of Caledonia. The governor in his speech informed the assembly that the business which would principally engage their attention related to the internal affairs of the state; the election of civil officers; necessary alterations of laws and ordinances; the encouragement of schools, and other seminaries of learning; the improvement of the militia, and whatever could promote the interests of agriculture, manufactures, public and private tranquility and happiness. It had been the custom at the two last sessions to return a decent and respectful answer to the governor's communication. The same method was pursued now, and no subjects of controversy were brought forward.

Before the election of judges could be made, it was necessary to come to some decision on the complaints which had been suggested respecting their taking illegal fees. On the fourth day of their session it was "Resolved, That for 'the purpose of more fully investigating the 'subject of fees taken by the supreme court, 'that the committee to whom that part of the 'unfinished business of the last session is now 'referred, be, and they are hereby empowered 'to send for persons, papers, and records, and 'to use proper means to enable them to report 'all the facts, that this house may form a proper

‘ decision on a subject so important to the honor and dignity of this state, and the individuals ‘ implicated therein.”* The committee made report that they had carefully examined the evidence which they had been able to obtain, and had heard a further statement and proof of facts which were not related in the former report; and that it had been the practice of the judges to take the fees that had been complained of in a variety of cases and actions, which were mentioned.† The next day the business was called up again, the house resolved themselves into a committee of the whole, debated largely on the subject, reported progress, and asked leave to sit again.‡ On the succeeding day the subject was again considered in a committee of the whole, and much time was spent in the debate; and the committee agreed to recommend to the house to adopt the following resolution, “ *Re-‘ solved*,’ That it is the sense of this house, that ‘ the fees taken by the judges of the supreme ‘ court, as stated in the report of our select committee, were taken by said judges with upright ‘ views, and that they are by law made the ‘ judges of what is a reasonable and fair con-‘ struction of the fee bill; and therefore, that ‘ no further order ought to be taken relative to ‘ the said judges taking of fees as aforesaid.” The question was then put whether the house would accept of the report of the committee of the whole; it passed in the affirmative, yeas 100, nays 82.§

THUS terminated this dangerous contest. Its origin, progress, and termination, seem to have been strongly marked with the views and arts of party politics. The facts seem to have been that the judges were of opinion that the fee bill would justify them in taking such fees as had been objected to. These fees, were in fact greater, more extensive, and more profitable, than any other set of supreme judges had taken before; or that the judges of the county courts had received or demanded. The fee bill however was not perfectly definite, plain, or particular; and it was not difficult to find reasons to assign to it such a construction, as the judges gave it. The fees were taken openly and publicly in the courts in every county, and were matters of record in the offices of all the clerks; there did not therefore seem to be room to declare that they were matters of designed corruption and extortion; nor was there any appearance that the judges were acting against their own opinions and judgment. Candor therefore should not complain, that the committee were inclined to believe, that they were taken "with upright views." But the reason which they assigned for a justification, that they were "by law made the judges of what is a reasonable and fair construction of the fee bill," had more of the appearance of the subtle and evasive distinctions of the schools and jesuits, than of the language or decision of statesmen or men of business. The question was whether the fees they had taken in the cases of complaint, were, or were not agreeable to the law. Politicians alone would have ventured to have kept the question out of sight, and derived the justification from the practice; or to intimate that the practice complained of, was right, because it had been adopted; or that the opinions of the judges in a matter involving their own emolument, violently contested, and brought upon trial before the assembly, was a sufficient ground, standard, or proof of the rectitude of the measure. Instead of operating to remove, this contest served rather to secure the places of the judges; in two days they were all re-elected to office, and the fees so much complained of, have been constantly taken ever since without any further opposition.

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* Journal for 1805, p. 27. † p. 32. ‡ p. 37. § p. 48, 49.

PROPOSALS for altering the federal constitution had now become so customary and frequent, that it was expected that every time the state legislature met, some proposed amendment would come before them. The governor had two of the kind, to lay before the assembly; one from North Carolina, and the other from Kentucky. That from North Carolina had for its object to empower the Congress of the United States to pass a law, whenever they should deem it expedient, to prevent any further importation of slaves. Massachusetts had acceded to this proposal; and it was very readily adopted by the assembly of Vermont, without debate or opposition.* The amendment proposed by the state of Kentucky was of a different nature, and meant to diminish the judiciary power of the federal courts; to "confine the 'judiciary power of the courts of the United 'States, to cases in law and equity arising under the constitution and laws of the United 'States, and treaties made or which shall be

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* Page 54.

'made under their authority; cases affecting 'ambassadors, other public ministers and consuls; cases of admiralty and maritime jurisdiction; controversies to which the United 'States shall be a party; to controversies between two or more states."* The commonwealth of Pennsylvania had concurred in the measure, and requested the concurrence of the other states. Such was the moderation and wisdom of the assembly of Vermont at their present session that they discovered diffidence and caution in approaching, or venturing materially to change the original compact. After some debates on the subject, one of the most active of the republican members introduced this resolution: "Whereas, that part of that 'invaluable instrument proposed to be amended, 'embraces many objects, which whether retained in their present form, or amended, will have 'effects in community by no means of an indifferent nature; and whereas, the best possible 'knowledge ought to be had of existing evils 'or benefits, before a single step is taken towards altering or amending a compact, which 'will not only have important effects in the affairs of our own state, but also in those of our 'several sister states: Therefore, *Resolved*, 'The governor and council concurring therein, 'that the further consideration of the said resolutions be referred to the next session of the 'legislature." The house, without any debate or opposition, adopted the resolution.†

WITH regard to the particular affairs of the state, the assembly were now in earnest to obtain information relating to the situation of their northern boundary, and to fix upon some place for the future sessions of the legislature. In one of their laws they made provision for, empowered and desired the governor to have the latitude of the reputed north line of the state ascertained by proper observations on the bank of Connecticut river, and at lake Memphremagog. By another law, they established the future seat of the legislature, from the year 1808, at Montpelier; as convenient and central a village as they could have found; and most of their laws and measures embraced objects of public utility. Whether owing to the remote situation in which they held their session, to a less inflammability in the objects which came before them, the abscence of some of the former most violent members, or to more wisdom and prudence than common, it was generally thought that more discretion and moderation were discovered by this assembly, than had appeared for several years before.

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* Page 15. † p. 78, 79.

1806. In the fall of the year 1806, the legislature convened at Middlebury. Much pains had been taken, and uncommon exertions had been made to remove the governor from his office; and his opposers seem to have been confident of success. The arts of electioneering had failed, and Mr. Tichenor had carried the election by a very respectable majority. When his opposers, who were a majority in the assembly, found that the votes of the people were still in his favor, their disappointment seems to have produced much vexation. In their answer to his speech they announced their feelings and their designs. "We shall endeavor to ‘avail ourselves, of the advantages by your excellency pointed out, to promote harmony in ‘our councils, as far as is consistent with that ‘spirit of free enquiry, which constitutes the ‘basis of a republican government. But we ‘cannot try to avoid those changes which are ‘conformable to our constitution."* The governor had endeavored to fix their attention on the lands which belonged to Vermont, but lay within the reputed bounds of Canada; their right to which was now known, by the measures which had been taken to ascertain the latitude of the north line of the state. The result of the enquiry had been much in favor of his judgment and exertions, and the benefit of the state. Vexed that any thing should be announced to the people that might tend to increase the reputation of the governor, party zeal and folly went so far as to give a political direction to a mathematical line. "We learn from your excellency's ‘communications, that measures have been taken, pursuant to the direction of the legislature ‘at their last session, to ascertain the northern ‘boundary line of this state, and that it can be ‘established only through the medium of the ‘national government; and from the appearance ‘of the error to be rectified, we are led to believe, that the interest of our sister state of ‘New York, may be so far affected by the ‘measure, as to require the co-operation of that ‘state. Whether we would urge the enlargement of this state, at the risque of lessening ‘the state of New York, and perhaps of the

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* Journal of the aſſembly for 1806, p. 39.

'United States, by transferring several settlements on the river St. Lawrence, is a question of the highest importance."* What shall be said of their question of *the highest importance*? It was in fact a question of the lowest insignificance. There was no possibility either in theory, operation, or effect, that rectifying the northern boundary of Vermont, could either lessen the state of New York, or transfer any of the settlements on the river St. Lawrence; and there was no place in the United States, but the brain of an intrigueing politician, in which a mathematical line could have been attended with any such risk, or have produced any such disturbance.

THE spirit of intolerance and the claims of political republicanism, from former practice and precedent, were become so well established and understood, that it was thought unreasonable for the federalists to complain that they were excluded from civil honors and emoluments; and a mark of weakness for them to expect any of the civil appointments. The utmost that this assembly professed, was to let those alone whom they had not in their power; to "protect those who exercise but an honest diversity of opinion on speculative subjects."† In their appointments and dismissions from offices, they strictly adhered to the declaration in their address, not to "try to avoid changes;" and in the powers of ambitious and uncontroled democracy, wise and prudent men saw with anxiety, the caprice and destruction of ancient despotism; "Whom they would they slew, and whom they would they kept alive."

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* p. 40. † p. 40.

The resolutions from Kentucky, which had been referred from the last session of the legislature, were called up for consideration. The alteration in the federal constitution which was proposed by that state, was a diminution of the powers of the federal courts, and an increase of those of the particular states. The assembly at Danville had approached this subject with caution, and had not ventured to decide without inquiry upon an alteration, that might materially affect the interests of the commercial states; and with a view for more mature consideration and further information on the subject, had referred it to the present session. None of these difficulties occurred to the present assembly. So favorable an opportunity to weaken the powers of the federal constitution, and to increase their own, by bringing the affairs of business under the decision of the judges whom the assembly annually elected, was not to be lost; it was the more welcome, as the federal constitution might now be weakened in the name of liberty, and their own powers be augmented under the appearance of joining a sister state in the cause of freedom. The house resolved itself into a committee of the whole, debated a little upon the subject, and adopted the Kentucky proposals by a great majority, yeas 148, nays 34.*

In the course of this session, it was proposed to make an address to the president of the United States; the motion was agreed to without any opposition. The design of the address was not barely unmeaning compliment, but business and policy. It was believed by the assembly

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* Page 65.

that Mr. Jefferson had expressed an intention to decline another election, and retire to the employments of private life. A large majority of the assembly wished to assure him that they highly approved of the measures of his administration, hoped he would not withdraw from the public service, and should afford him their cordial support. The address was decent, not without elegance, and much the best composition that this assembly had exhibited. Had it been wholly unstained with any appearance of the pollution of party spirit, it would have given higher pleasure to those who were anxious for the reputation and honor of the state. It is in itself an agreeable prospect to see the people unwilling to part with their chief magistrate; referring to the report of Mr. Jefferson's proposed resignation, their feelings were thus expressed, "We venture to hope that the insinua-
' tion is unauthorised, and to express a wish
' that in the full possession of faculty and talent,
' you will not refuse the citizens the benefits a-
' rising from long political experience, and de-
' prive them of the full opportunity of exercising
' their choice and judgment, in selecting their
' president from the whole number of the
' people."*

Among the articles of business that came before this assembly, the affair of banks was one of the most interesting. This subject had for several years been often discussed in the assembly, and in the council. The opinion of both seems to have been that such establishments would not be for the advantage of Vermont.

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* Page 199.

The matter was now urged with great warmth; and there were applications of this kind from several of the most respectable towns in the state. A majority of the members probably wished to have some institutions of this nature, established in the state; but their views were so local, and so much in favor of those particular places by which they expected to be most benefitted, that it was found impossible to come to an agreement at what towns they should be established. There was no way to bring the minds of the members to an agreement, but to introduce the project of a state bank; in which the profits should redound to the state itself. Upon this idea, a majority of votes could be secured; and when the members believed that the assembly were to have the direction, and receive the profits, a majority agreed in the measure to establish a state bank in Vermont. After repeated trials and much maneuvering, the legislature fixed on two respectable towns in which branches of it should be founded, at Woodstock and Middlebury. A bill was passed for this purpose, and the bank is now in operation. Many remarks and conjectures were made, both for, and against this measure. It is not however from the wishes or representations of parties or local interests, that the propriety and wisdom of the measure are to be determined. Time and experience will ascertain whether legislative authority and influence in such establishments, are, or are not consistent with the confidence, property, and safety of individuals. Much other business of a public and private nature was done at this session, and several useful laws were enacted. The necessary and customary business of the state being compleated, and the unfinished business referred to the next session; on November the 11th, the legislature, by order of the governor, was adjourned without day.

In the difficult and critical business of reviewing the proceedings of the legislature for several years, the mind is kept in a painful anxiety lest the subject should not be fully comprehended, the views of parties understood, or their conduct be justly and fairly represented. Perhaps it is not possible to avoid all mistakes, when writing upon such subjects. It may be justly expected that the facts should be fairly stated: But it is not given to man, to be above all errors of judgment. I have not found that I could represent the political proceedings otherwise, than I have stated them. All parties will find references to the journals, as vouchers; and the places are quoted, from which they may examine with what care, impartiality, and fidelity, the representations are made.

An historical relation of the proceedings of one of our general assemblies, will unavoidably lead us to describe the passions of men in America, operating as they always have done, and always will do, in every country upon the globe. Where their own particular interests, emoluments, and power, are out of view, the men who are clothed with authority will be much influenced by considerations of justice, equity, and fitness; by moral and social principles. When their own interest or advancement is dependent on the principles they embrace, and the measures they pursue, it is always expected that they will be in danger of being swayed by their interest; governed by their passions, and irritated by opposition. The difficulties that arise from this source are much the same in all countries, and under all forms of government. Whether the coalition be made up of kings, nobles, ministers of state, representatives of the people, or assemblies of the clergy, if it is left to them to advance their own wealth, power, influence, and importance by their own votes, we know what to expect; nor are we disappointed in finding them united in assisting and supporting each other; in humbling, depressing, and disarming their opposers; angry, irritated, and inflamed by opposition. Their passions rise, rule, and govern; their reason loses its influence and force; crime, guilt, and shame, are divided into equal shares; and no man means or expects to take a large portion to himself.

In every Congress of this kind, the great question will be, not what is right and fit; but what the people can be made to believe, and what mankind can be made to bear. Public sentiment and public feeling seem to be the only effectual checks on any body of men, who have been long in possession of power, let the form of government be what it may. Amidst all the proceedings then of civil authority and legislative bodies, a still more important inquiry ariseth, what is the state of society? What is the condition of the people? Are they ignorant, corrupt, and poor; in a state of slavery, depression and disgrace? Or have they freedom, virtue, and discernment enough, to understand their own institutions of government; and to note with attention the conduct of their rulers? For it is not in the passions and interests of our representatives, but in the state of society itself that we must look for the corruption and dissolution, or for the improvement and preservation of our civil government and state. To a more important subject we cannot turn our attention.

CHAPTER VIII.

STATE OF SOCIETY. *The Employments of the People: Agriculture, Manufactures, Hunting, Commerce, the profits of Labor.*

IN the natural constitution of man, the author of nature seems to have established the limits, below, and above which, the human race cannot be found. Somewhere within these limits, every nation will take its place: But where, depends chiefly upon the state of society. It should seem that several of the nations of the earth, are yet near the ultimate point of depression; and have been so, from time immemorial. But what is the ultimate point of perfection to which men may rise, we cannot determine. The many and great imperfections, which attend the state of society in every nation, seem to denote that none of them have as yet, made very near approaches to it.

THE causes which produce the degradation, or the superiority of one nation to another, will always be found in those things, which have the greatest effect, in constituting their state of society. Among these, the employments of the people, their manners and customs, their religion, their government, their population, and the degree of freedom which they enjoy, will always be among the capital articles. A just description of these, would afford a proper account of the state of society, in this part of America.

EMPLOYMENTS OF THE PEOPLE.

AGRICULTURE. The body of the people in Vermont are engaged in agriculture. In a new country where the settlements are yet to be made, agriculture puts on a very different appearance from that, which it bears in the ancient and well cultivated settlements. There, the business is to cultivate and improve the farms, which have been already greatly improved: To increase the produce, by the application of more labor and cultivation, and thus to derive a greater profit from the land. In a new settlement, the first business of the husbandman is to cut down the woods, to clear up the lands, to sow them with grain, to erect the necessary buildings, and open the roads; and thus to connect and form a communication between the scattered settlements, and make the most of his labor. Amidst the hard living and hard labor, that attends the forming a new settlement, the settler has the most flattering prospects and encouragements. One hundred acres of land in a new town, does not generally cost him more than he can spare from the wages of one or two years. Besides maintaining himself, the profits of his labor will generally enable a young man, in that period of time, to procure himself such a tract of land. When he comes to apply his labor to his own land, the produce of it becomes extremely profitable. The first crop of wheat will fully pay him for all the expense he has been at, in clearing up, sowing, and fencing his land; and at the same time, increases the value of the land, eight or ten times the original cost. In this way, every day's labor spent in clearing up his land, receives high wages in the grain which it procures, and adds at the same time a quantity of improved land to the farm. An acre of land which in its natural state, cost him perhaps the half of one day's labor, is thus in one year made of that value, that it will afterwards annually produce him from fifteen to twenty five bushels of wheat; or other kinds of produce, of equal value. In this way, the profits attending labor on a new settlement, are the greatest that ever can take place in agriculture; the laborer constantly receiving double wages. He receives high wages in the produce of his corn or wheat; and he receives much higher wages of another kind, in the annual addition of a new tract of cultivated land to his farm. This double kind of wages, nature with great benevolence and design, has assigned to the man of industry, when he is first making a settlement in the uncultivated parts of America: And in two or three years, he acquires a very comfortable and independent subsistence for a family, derived from no other source but the earth, and his own industry.

In every country, agriculture ought to be esteemed, as the most necessary and useful profession. The food and the raiment by which all orders of men are supported, must be derived from the earth. Agriculture is the art, by which this is effected; and of consequence the art which supports, supplies, and maintains all the rest. It ought therefore to be esteemed the primary, the fundamental, and the most essential art of all; that which deserves the first and the greatest consideration and encouragement. The wealth drawn from agriculture, is permanent and durable; not subject to the uncertainties attending that, which is derived from commerce; and not dependent upon the inclinations, the dispositions, or the regulations of other kingdoms and countries. The people that thus live by their own agriculture, are independent of other nations, and need not be affected by their wars, revolutions, or convulsions; but may always have the means of support and independence, among themselves. While they have that which is drawn from the cultivation of the land, they will have every thing that nature and society can need, or have made valuable.

The other professions, those especially of the liberal arts, are of great utility, and of high importance, and they are what society could not flourish without. But they derive their importance and utility from the imperfections of man, and of society; and do not of themselves, add any thing to the wealth of nations. The physician, the lawyer, the divine, the statesman, and the philosopher, are engaged in employments of great utility to mankind. But there is not one of them, that adds any thing to the wealth and property of the community: They must all derive their support, from the cultivation of the land. Of all arts and professions then, agriculture ought to be esteemed the most useful, and the most important. It is the art which produceth, and nourishes all the rest. The other arts teach how to preserve the health, the property, and the morals of men; to enlarge their understandings, and to give a right direction to their minds: But this provides food, raiment, and support for them all.

In no way, has the glory of nations been more expanded, than by their attainments and discoveries in science. The mathematicians have measured, and settled the dimensions of the solar system: But the new settler, has in fact, enlarged the bounds of the habitable creation. The philosophers have expanded our minds with the ideas, and evidence, that the other planets are inhabited; but the simple and honest farmer, has made the earth the place for more inhabitants than it ever had before. And while the astronomers are so justly celebrating the discoveries, and the new planet of Herschel, all mankind should rejoice, that the simple peasant in the wilderness, has found out a way, to make our planet bear more men.

THOSE employments which are the most necessary, and the most useful to men, seem to be the most nearly connected with morality and virtue. Agriculture appears to be more nearly allied to this, than any of the arts. The man that is constantly pursuing the business, which nature has assigned to him, seems to have but little to corrupt him. In the many histories of corruption, there is not any account, that the body of the husbandmen ever became a corrupt, venal, and debauched generation. They must first be led to desert their employments, or they must be blinded and deceived, before they can be made fit tools for politicians to corrupt, and manage. Their profession tends to render them an industrious, hardy, incorrupted, and honest set of men. It is never in the body of the husbandmen, but among the speculators, politicians, and leaders of mobs, that we look for a settled trade, and high attainments, in venality and corruption.

THE most general information which the body of mankind can ever expect to obtain, seems to be more connected with agriculture, than with any other business. The man whose employment it is to make needles, nails, knives, or any other article of manufacture, acquires uncommon skill and attainments in that particular kind of business; and we are astonished at the effects, which his labors produce. It is however the unhappiness of the men who are devoted to such employments, that their attention is swallowed up by one object; and that the main course of their thoughts and pursuits, move only in a small circle. The husbandman, from the nature of his occupation, is obliged to contemplate a greater variety of things and objects. He must be conversant with the nature of soil and climate; what one part of his farm will produce, and what may be expected from another. His attention is turned to the nature, growth, and productions of vegetables; what grain, provender, or fruit he needs, and can raise with ease and profit. He must understand the constitution, genius, and pursuits of animals; from which of them he may derive the most profit, and which he can raise and govern to the greatest advantage. The winds, weather, and seasons, what is to be expected from their regular operations, or from their perpetual variations, become of course matters of constant observation. Such things are in fact among the most useful and curious branches of natural history and philosophy. With these the husbandman is daily cultivating an increasing acquaintance; and his information becomes a practical and experimental science, far more improving to the mind and beneficial to society, than the theoretic tables or speculations of philosophers on such subjects. In such respects agriculture seems to have an advantage over other professions.

On what is the whole system of American Republicanism, founded? Does it in fact depend on a system of political checks, balances, and arrangements; artificially contrived not to set the machine in motion, but to prevent its going wrong? Can any thing of this nature form the inclinations, sentiments, and pursuits of men? Will not these be unavoidably connected with their circumstances, situations, and employments? And will not agriculture go further to form the desires, opinions, and habits of men, than any other employment? Other kinds of business and professions, are confessedly useful and necessary; and will have their influence, on the spirit and genius of the government. But when the body of the people are the owners of the lands, and do the labor of husbandry, is there not an extensive and permanent cause for republicanism, in such a situation and employment? Will not such men always be in favor of so much government as will do justice, protect property, and defend the country? And will they not always be averse to the distinctions of monarchy, nobility, the powers of an established church, and army? May we not then venture to say that the American republics will last, as long as the body of the people own the lands, and do the labors of agriculture themselves: And that the republican system can no where take place, when the lands are in the hands of a few wealthy men, and the labor is done by slaves or hirelings? Is not the former in fact the foundation of American republicanism; and does not the latter unavoidably produce aristocracy or monarchy in every part of Europe? At least, I believe we may venture to say the American system of agriculture and republicanism, have such an affinity to each other, that they will both flourish or decline together: And that any essential alteration in the state, form, or manner of carrying on the one, would essentially affect the state and form of the other.

MANUFACTURES. Next to agriculture, the chief source of employment is manufactures. These are chiefly of the *domestic kind*, designed to procure clothing for families. In no part of the United States, does the farmer meet with more success in raising sheep. The climate agrees well with the breed of sheep, that is spread over the territory: And the richness of the pastures, in new settlements, gives an extraordinary sweetness to the meat, and richness to the fleece. It is not uncommon for a sheep of two or three years old to weigh one hundred and twenty pounds, and to afford three or four pounds of wool. And from the wool of their own raising, the greater part of the farmers manufacture the woolens, which are used in their families. In no places does flax succeed better than on the new lands. The common produced from one acre, is from four to five hundred pounds. Every family raises a quantity of flax, and carries on a small manufacture of linen. These domestic manufactures, are of the highest importance to the people. When the country shall be well settled, wool and flax will become two of its most capital productions. At present, there is not enough of either annually produced, to supply the inhabitants.

GREAT advantages may be derived to the state, from the manufactures of iron. Large quantities of iron ore are found in several of the towns, on the west side of the green mountains. Tinmouth, Rutland, Pittsford, and Shoreham, contain great quantities. The ore in these towns is of a reddish kind, mixed with earth tinctured with yellow ocre. It melts easily, and produces from one seventh to one fourth of iron. The iron is mostly of the coldshire kind, works easily, and makes excellent nails. The principal part of the ore that has hitherto been used in this state, has been brought from a mountain on the west side of lake Champlain, about four miles north of Crown Point. This ore is of a black, heavy kind; mostly iron, mixed with a grey flint stone. The iron in this ore, appears in large grains, some of them nearly as large as a pea: These grains appear to be of pure iron. Some of this ore is so peculiarly rich, that when it is well managed, it will yield four sevenths of pure iron; but is exceeding hard to melt. When the ore is well worked, it produces the best iron for chains, horse shoes, nails, &c. and such matters as are drawn lengthways. When applied to uses which require plaiting widthways, it does not answer so good a purpose; though it is neither coldshire, nor redshire. The same kind of ore is found in many of the mountains, on the west side of the lake, as far south as its waters extend. A country thus abounding with the richest kind of iron ore, naturally invites the settlers to the iron manufactures. And they have already (1792) erected several forges, and furnaces. In Bennington county they have one forge; in Rutland county fourteen; in Addison county four; and in Chittenden county two. In addition to which three furnaces are also erected, in the county of Rutland. From these works, large quantities of bar iron are annually produced. The manufacture of nails is already become common, and profitable; and every other branch of the iron manufacture, must soon be so. These manufactures, like every thing else in the new settlements, are as yet in their infancy. But if we may judge from the plenty, or the ease and cheapness, with which an immense quantity of the best kind of iron ore may be procured, we shall be apt to conclude that nature has designed this part of the United States, to be the seat of very flourishing manufactures of every thing that can be made of iron, or steel. At this period (1806) the iron works and manufactures have greatly multiplied and increased.

THE manufacture of pot and pearl ashes, is still more extensive, and useful. The immense quantity of wood, with which the country is every where covered, may supply any quantity of ashes for this purpose: And the greatest economy takes place in collecting the ashes, made either by culinary fires, or those which are designed to burn up the wood, where the inhabitants are clearing the lands. In almost every new settlement, one of the first attempts, is to erect works for the pot and pearl ash manufacture: And there are probably as many works of this kind, as there are settled towns in the state. The business is every where well understood; and there is no better pot or pearl ashes made in any part of America, than that which is produced in Vermont. It has hitherto taken from four hundred and fifty to four hundred and eighty bushels of ashes, to make one ton of pot ash. Constant attempts are now made, to find out a way of extracting more of the salts from the ashes, than has been heretofore done by the common method of bleaching; and also to extract more salts from the ashes, which have been thrown aside as useless. Flattering prospects seem to have attended some chymical experiments of this kind; and improvements have been made in the method of constructing the works for the pot ash. But much further improvements are necessary, before these imperfect attempts, can be of any very valuable use to the manufacturer. The quantity of pot and pearl ashes, which is annually made in Vermont, cannot be exactly stated. From the best accounts I could procure, in the year 1791, the quantity might be estimated at about one thousand tons: Probably this may be near the truth. But whatever may be the quantity produced at present, it is rapidly increasing; and probably will for several years, bear some proportion to the increase of the inhabitants.

As the mountains will not fail to supply wood for this manufacture, for centuries yet to come, it seems that Vermont will be one of the states, in which this manufacture will be attended with its greatest perfection and profit.

The manufacture of maple sugar is also an article of great importance to the state. Perhaps two thirds of the families are engaged in this business in the spring, and they make more sugar than is used among the people. Considerable quantities are carried to the shop keepers; which always find a ready sale, and good pay. The business is now carried on, under the greatest disadvantages: Without proper conveniencies, instruments, or works; solely by the exertions of private families, in the woods, and without any other conveniencies than one or two iron kettles, the largest of which will not hold more than four or five pailfulls. Under all these disadvantages, it is common for a family to make two or three hundred pounds of maple sugar in three or four weeks. This manufacture is capable of great improvements. The country abounds with an immense number of the sugar maple trees. The largest of these trees are five and an half or six feet in diameter; and will yield five gallons of sap in one day; and from twelve to fifteen pounds of sugar, during the season. The younger and smaller trees afford sap or juice, in a still greater proportion. Were the workmen furnished with proper apparatus and works, to collect and boil the juice, the quantity of sugar might be increased, during the time of making of it, in almost any proportion: And it might become an article of much importance, in the commerce of the country. I have never tasted any better sugar, than what has been made from the maple, when it has been properly refined; it has a peculiarly rich, salubrious, and pleasant taste. But it is generally made under so many unfavorable circumstances, that it appears for the most part, rough, coarse, and dirty; and frequently burnt, smoaky, or greasy, when it is first made. In one circumstance only, does nature seem to have set bounds to this manufacture, and that is with respect to time. It is only during four or five weeks in the spring, that the juice can be collected. While the trees are frozen at night, and thawed in the day, the sap runs plentifully: But as soon as the buds come on, the sap ceases to flow in such a manner, as that it can any longer be collected. We cannot determine with much accuracy what quantity of this sugar is annually made in the state. In the town of Cavendish, in the spring of the year 1794, the quantity made by eighty three families, was fourteen thousand and eighty pounds. If the families in the other towns manufacture in the same proportion, there must be above one thousand tons annually made in Vermont.

Several distilleries have of late been erected in this state. The object of them is to make such spirituous liquors, as can be extracted from grain. Considering the large quantities of wheat, rye, and barley, that are raised in the country, it seems probable that these distilleries will soon be in a flourishing state. All kinds of grain are raised so easily upon our lands, and in such quantities, that the farmer can always furnish sufficient supplies. The distilleries have met with good success in their attempts to make gin. And nothing seems wanting, but time, and experience, to produce large quantities of all those spirits, that can be produced from grain. As yet these works are in their infancy; probably they will become a lucrative branch of business to their owners, and of very considerable advantage to the state.

HUNTING. Hunting was formerly a business, which was much pursued, and attended with considerable profit in this state. The country, in its early state, abounded with moose, deer, bears, foxes, wolves, rabbits, martins, &c. In the lakes and creeks, there were large numbers of beaver, otter, muskrats, and minks. The flesh of some of these animals, and the furs of all of them, proved a lucrative branch of business to some of the first settlers. But as the settlements increase, the wild animals disappear, and in a few years they will be scarcely to be found at all. At present the peltry may amount to one or two thousand pounds per annum; but it has almost ceased to be attended with a profit, adequate to the expense.

COMMERCE. Commercial concerns afford employment for a considerable number of people. This branch of business is wholly confined to the adjacent parts of the country: Part of it is carried on with Connecticut, part with Massachusetts, a considerable part with the province of Canada, but much the largest part with New York. The articles that are brought into the state are chiefly rum, wines, brandy, and gin: Coarse linens and woolens, and the various articles of cheap clothing: Tea, coffee, chocolate, and all the articles necessary for building, which are not yet produced in the country. The exports are grain of all kinds, bar iron, and nails; pot and pearl ashes; beef, pork, live cattle, horses; lumber, peltry, some flax, and maple sugar. The amount of the commerce of an inland country, cannot be very accurately ascertained; nor have we any way to determine what quantity of goods are annually brought into the state; or to what value, the remittances annually amount. The trade itself has been of great advantage, in promoting the settlement of the country; but the carriage of the articles, being chiefly by land, and through long and bad roads, has been attended with great expense; and has much prevented the raising of wheat, and other kinds of grain. The natural channels into which the trade of Vermont will resolve itself, will be a water carriage upon Connecticut river; and through lake Champlain, down the rivers of Hudson, and St. Lawrence. As vigorous attempts are now making, to render all these waters better suited to the purposes of navigation, the time cannot be far distant, when commerce shall be more easily carried on, become much increased, and be attended with much greater advantages to the state. The commerce of the state (1806) has of late been much promoted, by the establishment of turnpikes, on some of our roads. The people are every year petitioning the legislature, for liberty to carry these improvements to a greater extent. It is hoped the prejudices of the assembly against such establishments, will soon decrease and subside.

In any of these employments, the laborer has the prospect of acquiring not only a very comfortable living, but sufficient property to maintain a family. The price of labor will always bear a proportion to the profits it will produce, and to the demand which there is for it. In a new country every one that can perform a day's work, will find employment in any part of the country. In agriculture, the laborer can procure seventy dollars a year for his work; equal in value to one hundred and twenty bushels of wheat. In the busy seasons of the year, the common price of a day's labor is half a dollar; in the winter not more than half this sum. All kinds of labor are in the usual proportion to that of agriculture. Of these wages it will take twenty dollars, to procure comfortable clothing; the remainder the laborer is able to reserve for other purposes. Thus by laboring for another for two or three years, the laborer becomes independent, and works afterwards upon his own land or stock.

The writers upon political economy in Europe, are constantly mentioning the great advantages which accrue to trade and commerce, from an extreme cheapness of labor. The beneficial effects that would arise from it in America, would be no compensation for the disadvantages that would attend it. It would not be any advantage to the country, to carry on any branch of business, which would not support itself, and pay well for the labor. Least of all would it be of any public benefit, to have the profits of the labor of many, centre in the hands of a few wealthy men. This would reduce the body of the people to poverty, dependence, and venality; and introduce all that endless confusion of laws for the support of the poor, which has perplexed all the wealthy parts of Europe, for more than a century. Those laws, with their perpetual alterations, plainly denote that the difficulty does not admit any remedy from the ordinary course of law. In every country, in which the state of society is such, that the laborers have the prospect and the hope of acquiring property, that body of men are as active, enterprising, and economical, as any other order in the state. Take from them, under any pretence, the proper profits of labor, and all prospect and hope of acquiring ease and property by it, and the European consequences will follow: The poor will every where abound, the wealthy must maintain them, and both will be dissatisfied: Speculators will be perpetually proposing new laws, and the more the laws are multiplied, the worse will be the condition of the poor, and the greater will be the expense of the rich. This will be the unavoidable consequence, when the wealth of a nation has passed into the hands of a few men: Or when the body of the workmen, instead of laboring upon their own property, continue to serve under a master.

CHAPTER IX.

STATE OF SOCIETY. *Customs and Manners: Education, early Marriages, Activity, Equality, Economy, and Hospitality of the People.*

THE customs and manners of nations are derived from descent, situation, employment, and all those regulations which have an influence upon the state of the people; and they serve better than other circumstances to ascertain the character of nations, and to denote the state of society at any given period in their history. The customs and manners of the people of Vermont, are principally derived from the people of New England, from whom they are descended: But in a few particulars they have received a direction, from the state of society which takes place among the settlers in a new country.

EDUCATION. Among the customs which are universal among the people, in all parts of the state, one that seems worthy of remark, is, the attention that is paid to the education of children. The aim of the parent, is not so much to have his children acquainted with the liberal arts and sciences; but to have them all taught to read with ease and propriety; to write a plain and legible hand; and to have them acquainted with the rules of arithmetic, so far as shall be necessary to carry on any of the most common and necessary occupations of life. All the children are trained up to this kind of knowledge: They are accustomed from their earliest years to read the Holy Scriptures, the periodical publications, newspapers, and political pamphlets; to form some general acquaintance with the laws of their country, the proceedings of the courts of justice, of the general assembly of the state, and of the Congress, &c. Such a kind of education is common and universal in every part of the state: And nothing would be more dishonorable to the parents, or to the children, than to be without it. One of the first things the new settlers attend to, is to procure a schoolmaster to instruct their children in the arts of reading, writing, and arithmetic: And where they are not able to procure or to hire an instructor, the parents attend to it themselves. No greater misfortune could attend a child, than to arrive at manhood unable to read, write, and keep small accounts: He is viewed as unfit for the common business of the towns and plantations, and in a state greatly inferior to his neighbors. Every consideration joins to prevent so degraded and mortifying a state, by giving to every one the customary education, and advantages. This custom was derived from the people of New England; and has acquired greater force in the new settlements, where the people are apprehensive their children will have less advantages, and of consequence, not appear equal to the children in the older towns. No custom was ever better adapted to private, or public good. Such kind of education and knowledge, is of more advantage to mankind, than all the speculations, disputes, and distinctions, that metaphysics, logic, and scholastic theology, have ever produced. In the plain common good sense, promoted by the one, virtue, utility, freedom, and public happiness, have their foundations. In the useless speculations produced by the other, common sense is lost, folly becomes refined, and the useful branches of knowledge are darkened, and forgot.

EARLY MARRIAGES. Another custom, which every thing tends to introduce in a new country, is early marriage. Trained up to a regular industry and economy the young people grow up to maturity, in all the vigour of health, and bloom of natural beauty. Not enervated by idleness, weakened by luxury, or corrupted by debauchery, the inclinations of nature are directed towards their proper objects, at an early period; and assume the direction, which nature and society designed they should have. The ease with which a family may be maintained, and the wishes of parents to see their children settled in the way of virtue, reputation, and felicity, are circumstances, which also strongly invite to an early settlement in life. The virtuous affections are not corrupted nor retarded by the pride of families, the ambition of ostentation, or the idle notions of useless and dangerous distinctions, under the name of honor and titles. Neither parents nor children have any other prospects, than what are founded upon industry, economy, and virtue. Where every circumstance thus concurs to promote early marriages, the practice becomes universal, and it generally takes place, as soon as the laws of society suppose the young people of sufficient age and discretion to transact the business of life. It is not necessary to enumerate the many advantages, that arise from this custom of early marriages. They comprehend all that society can receive from this source; from the preservation, and increase of the human race. Every thing useful and beneficial to man, seems to be connected with obedience to the laws of his nature: And where the state of society coincides with the laws of nature, the inclinations, the duties, and the happiness of individuals, resolve themselves into customs and habits, favorable, in the highest degree, to society. In no case is this more apparent, than in the customs of nations respecting marriage. When wealth, or the imaginary honor of families, is the great object, marriage becomes a matter of trade, pride, and form; in which affection, virtue, and happiness, are not consulted; from which the parties derive no felicity, and society receives no advantage. But where nature leads the way, all the lovely train of virtues, domestic happiness, and the greatest of all public benefits, a rapid population, are found to be the fruit.

ACTIVITY AND ENTERPRIZE. A spirit of activity and enterprize is every where found in a new state. Depending upon their own industry, and having nothing to expect from speculation and gaming in public funds, or from the errors or vices of government, the views of the people are directed to their own employments and business, as the only probable method of acquiring subsistence, and estate. Hence arises a spirit of universal activity, and enterprize in business. No other pursuits or prospects are suffered to divert their attention; for there is nothing to be acquired in any other way. Neither begging, or gaming, or trading upon public funds, measures, and management, can be profitable employments to the people who live at a distance from wealthy cities, and the seat of government. The only profitable business, is to pursue their own profession and calling. To this pursuit their views become directed; and here, their activity and enterprize become remarkable. No difficulty or hardship seem to discourage them; And the perseverance of a few years generally serves to overcome the obstacles, that lay in their way at first. It is only those who are of this enterprising spirit, who venture to try their fortunes in the woods; and in a few years, it generally raises them into easy and comfortable circumstances. To the most essential and necessary duties of man, heaven has annexed immediate and important blessings. The people thus active, laborious, and perpetually in hard exertions, are destitute of many of the conveniencies of life; and of what, in every populous city, would be esteemed its necessaries. Can their health and spirits remain unimpaired, amidst this scene of hard living, and hard labor? Will they not waste away thus laboring in the woods, without good living, able physicians, and the advantages of medicine? So far from it, that no people have so few diseases, multiply so fast, or suffer so little from sickness. Temperance and labor do more for them, than art and medicine can do for others. The disorders which wear away the inhabitants of wealthy cities, are almost unknown in the woods. Very few die, but under the unavoidable decays of nature; and the deaths are to the births, in no higher a proportion than 1 to 4, 8. Unacquainted with the improvements which are made in the medical art in Europe, the people of the new settlements neither know the names of the diseases, or their remedies; nor stand in any need of their discoveries, or prescriptions. The benevolent author of nature has annexed that health to their temperance, industry, and activity, which is never found in drugs, medicines, or any attainments of art. And while the people are thus active and industrious in performing their duty, the property and health of individuals, and the prosperity of the state, are all found to flourish together.

EQUALITY. The nearest equality that ever can take place among men, will also be found among the inhabitants of a new country. When a number of men are engaged in the same employments and pursuits, and have all of them to depend upon their own labor and industry for their support, their situation, views, and manners, will be nearly the same; the way to subsistence, to ease, and independence, being the same to all. In this stage of society the nearest equality will take place, that ever can subsist among men. But this equality will be nothing more than an equality of rights; and a similarity of employment, situation, pursuit, and interest. In a new country this similarity will be so great, as to form a near resemblance of manners and character; and to prevent any very great inequalities of privilege from taking place in society, either from rank, offices of government, or any other cause. But nothing ever did, or ever can produce an equality of power, capacity and advantages, in the social, or in any other state of man. By making men very unequal in their powers and capacities, nature has effectually prevented this. The whole race resemble one another in the make and form of their bodies; in their original appetites, passions, and inclinations; in reason, understanding, and the moral sense, &c. But in these respects it is similitude, not equality, which nature has produced. To some, the author of nature has assigned superior powers of the mind, a strength of reason and discernment, a capacity of judging, and a genius for invention, which are not given to others. To others, the deity has assigned a strength, vigor, and firmness of constitution, by which the bodily powers are more favored in one, than in another. Causes thus natural and original, will be followed with their natural and proper effects. Superior wisdom and abilities, will have superior influence and effect in society. Superior strength and activity of body, will also have advantages peculiar to themselves. In making these natural distinctions, nature evidently designed to qualify men for different attainments, and employments. And while she gave to all the nature and the rights of man, she assigned to some a capacity and a power, to make a much more useful improvement and exercise of that nature, and of those rights, than she has given to others. Thus a state of nature is itself a state of society, or at least naturally tends to produce it. And in the earliest stages of society, all that equality will take place among mankind, which is consistent with it. Placed in a situation nearly similar, the employments, views, and pursuits of the people, become nearly the same. The distinctions derived from birth, blood, hereditary titles and honors, and a difference of rights and privileges, are either unknown or resolve themselves into nothing, among a people in such a situation; in every view, they cease to be of any use or importance to them. Their situation naturally leads them to discern the tendencies, and designs of nature. They all feel that nature has made them equal in respect to their rights; or rather that nature has given to them a common and an equal right to liberty, to property, and to safety; to justice, government, laws, religion, and freedom. They all see that nature has made them very unequal in respect to their original powers, capacities, and talents. They become united in claiming and in preserving the equality, which nature has assigned to them; and in availing themselves of the benefits, which are designed, and may be derived from the inequality, which nature has also established. Wherever a number of people are engaged in a common, economical, laborious pursuit of subsistence, property, and security; such views of their equality, and rights, immediately occur to their minds; they are easily discerned, and they are perfectly well understood.

ECONOMY. Every thing in the situation and employments of the people, in a new country, will naturally tend to produce economy. There are no large estates, or cultivated farms, prepared beforehand for the heir. Every thing for food, raiment, and convenience, must be procured by the labor and industry of the planter; and it is not without much difficulty and hardship, that the people can procure the necessaries of life at first, or the conveniencies of it afterwards. What is thus procured with labor and difficulty, will be used with prudence and economy. The custom will not be to fall into scenes of expensive entertainments, amusement, and dissipation: But to provide for the calls and demands of nature, to preserve the health and vigor of the body, and to be able to raise up and support a family. And this will, of course, introduce a steady regard to economy, in all their expenses, habits, and customs. The influence that this has on the affairs of individuals, and on the state of society, is every where apparent. No such degrees of wealth can ever exist in any place, as shall be equal to the demands of luxury. And where custom has introduced a habit of living and expense, above the annual income, dependence, venality, and corruption, with constant want and distress, is the never failing consequence. But the most pernicious of all the effects of luxury, is the degradation it brings on the nature of man. It destroys the vigor and powers of men, and by constantly enfeebling the body and mind, seems to reduce them to a lower order of beings. The body, weakened by excessive indolence and indulgence, loses health, vigor, and beauty, and becomes subject to a thousand emaciating pains and maladies. The mind, subdued by indolence and inactivity, scarcely retains its rational powers; and becomes weak, languid, and incapable of manly exertions, or attainments. To a state thus degraded, effeminate, and unmanly, luxury frequently reduces those, who bear the remains of the human form. Political writers have frequently argued that luxury was of real service to the nations of Europe; that it tended to find employments for the poor, and was necessary to keep the money in circulation. This reasoning cannot be contradicted: But it supposes the state of society to be essentially bad; and that it cannot be supported but by the management, operations, and balance of vices. In such a state of society, luxury is certainly a benefit: And the highest degree of it, would be the greatest benefit of all. It would be the best thing that could happen in such a society, for the corrupted, venal part to spend their estates, by luxury and dissipation, and to have them pass into other hands. This would be far better for mankind than to have them live useless, be constantly corrupting others, or train up an emaciated, feeble race, degraded by effeminacy and weakness, below the rest of the human race. Whatever might be done to load such with honors, titles, and distinctions, it will be impossible ever to make them men; or at least such kind of men, as shall be upon terms of equality with the rest of the human race. Activity, industry, and economy, will prevent such a race from appearing, or such effects from taking place, in any of the new states of America.

HOSPITALITY. That benevolent, friendly disposition, which man should bear to man, will appear under different forms, in different stages of society. In the first combinations of mankind, when all are exposed to danger, sufferings, and want, it appears in one of its most amiable forms, and has been called hospitality. In this form it exists among the people who are subjected to the common danger, fatigue, and sufferings, which attend the forming of new settlements. Feeling every moment their own wants and dangers, they are led by their situation, to assist each other in their difficulties and danger. The traveller finds among them, all the relief their circumstances will enable them to afford him: And before they are able to erect houses for public entertainment, the stranger is sure to find the best accommodations, the situation of private families will admit. This hospitable disposition seems to be universal, in all the new settlements: And the unfortunate and poor man finds a relief from it, which he never expects to find among a more wealthy people. No custom was ever better adapted to afford relief to an individual, or to promote the advantage of the state. A beggar or robber is scarcely ever to be seen in a country, where there is nothing to be obtained by the business. The poor find their relief in labor, and not from a multiplicity of laws, which extract large sums from others, but afford little relief to them: And from the profits of their labor, they will soon cease to be in distress. Those that appear to be objects of distress, are generally such in reality: And where the public has not been abused by such pretences, few will be exposed to suffer on such accounts. In such a state of society, hospitality naturally performs what it ought to perform: It encourages none in idleness and dissipation, but relieves those whose circumstances require relief. It provides only for those, who cannot find other resources; and aims only to put such into a situation, in which they may support themselves, and be of use to the public.

CHAPTER X.

STATE OF SOCIETY. *Religion: Importance of this Principle, Danger of any Control in it, Equality of all Denominations, Effect of this Equality, Grants and Laws for the Support of Religion, Extent of Religious Liberty, Connexion of Religion with Science and Education.*

RELIGION is one of those concerns, which will always have great influence upon the state of society. In our original frame and constitution, the Benevolent Author of our Natures, has made us rational and accountable creatures; Accountable to ourselves, to our fellow men, and to our God. By putting within us various appetites, affections, and passions, our creator has made us animals: By inserting in our natures the moral principles of reason, conscience, and a sense of the Deity, he has made us men; that is, rational, moral, and accountable beings. These foundations of religion, are so strong and universal, that they will not fail to have an effect upon the conduct of every one: And while they thus enter into the feelings and conduct of all the members, they will unavoidably have a great influence upon the state and conduct of society. Nor can society either set them aside, or carry on the public business without them. Instead of this, in one form or another, society will be perpetually calling in the aids of religion. When human declarations and evidence are to receive their highest force, and most solemn form, or when the most important transactions are to be performed, and offices of the highest trust and consequence are committed to men, the last appeal will be to religion, in the form of solemn affirmation or oath.

THE most pure and benevolent system of religion, which has ever prevailed among men, is that of Christianity. This religion founded in truth, and adapted to the nature and state of man, has proposed for its end and aim, that which is of the highest importance to men and to society, universal benevolence, the love of God and man, or universal virtue. But neither this, nor any other system of moral truth, can impart infallibility to men. Whatever infallibility there may be in moral, in mathematical, or in revealed truths, men may greatly mistake when they come to explain, and apply them: And instead of being above all possibility of error, they will find that infallibility belongs only to the government of God; and that it certainly is not entailed upon any parties or denominations of men. Nothing therefore could be more dangerous, than to allow to any of these denominations the power to make laws to bind the rest, in matters of religion. The ruling party would vote themselves to be the only pure denomination, they would make the rest contribute to their support, and establish their own sentiments and practice, as the perfection of knowledge, wisdom, and religion; and in this way adopt measures, which tend to entail all their imperfections and errors, upon future ages. The dominion of one party over another in matters of religion, has always had this effect: It has operated to confirm error, oppress the minority, and conscience: Sentiments and faith respecting the Deity, in which none expect to find the power of oppressing or ruling over others; but the same protection and benefit from the government, which they are at equal expense in supporting.

THE settlement and support of the ministers of religion, has been encouraged and assisted by the government. The earliest grants of land in this state, were made by Benning Wentworth, governor of New Hampshire. This gentleman was of the communion of the church of England. In the grants of land that were made by him, there were three rights in each township reserved for religious purposes: One to the society for propagating the gospel in foreign parts; one for a glebe, designed for the use of an episcopal clergy; a third for the first settled minister, intended for his private property, to encourage the settlement of a minister in the new plantations. In the grants of townships which have been made by the government of Vermont, two rights have been reserved for the support of the clergy: One for a parsonage, designed for the support of a minister, and unalienable from that purpose; another to become the property, and designed to encourage the settlement of the first minister. This right accrues to the first clergyman who is settled in the town, of whatever denomination he may be. The salary of the minister ariseth wholly from the contract which the people may make with him. These contracts are altogether voluntary: But when made, by a law passed October 18, 1787, are considered as being of equal force and obligation as any other contracts; but no persons of a different denomination are obliged by them. The law has no reference to any particular denomination, but considers them all as having a right to make what contracts they please, with the minister they choose; and being of course bound by their own act, to fulfil their contract. A law designed to confirm the equal rights of all, is not subject to the exceptions or complaints of any party.

No embarrassments have attended any of the grants of land, which have been made for religious purposes, but those designed for a glebe, and those made to the society for propagating the gospel in foreign parts. In most of the towns there are not any persons of the episcopal persuasion, nor any incumbent to have the care of the glebe lots. The society for propagating the gospel in foreign parts, have not concerned themselves about the lands, which were granted to them. Both these rights have remained unimproved and uncultivated, except where individuals have gained possession of them; and it has been a disadvantage to the state, to have such tracts of land lying waste. It has been repeatedly a matter of consideration in the general assembly, what ought to be done with these lands. Instead of coming to any decision upon the matter, in October, 1787, the general assembly passed an act, authorising the selectmen of the several towns, to take care of and improve the glebe and society lands, for the space of seven years; and to apply the incomes to the improvements of the lands, those excepted, which were in the possession of an episcopal minister. This law has been but little attended to, and is not at all competent to the improvement of the lands, or to render them beneficial to the state, or to any valuable purpose. In any view of the matter, these lands ought not to be suffered to remain useless, and detrimental to the state. If the society for propagating the gospel in foreign parts, had made such an assignation of them, as would have served to promote religious instruction and knowledge, the people would have had the benefit that was intended by the grantor. If this be neglected an unreasonable time, it becomes the duty of the legislature, to prevent their remaining a public disadvantage to the state, by continuing uncultivated and useless. [1806] By exempting these lands from all rates and taxes, and at times passing laws to appropriate them to their own benefit and advantage, the legislature of Vermont have preserved them in a state of uselessness and litigation. Had the state done nothing with them, but left them untouched, and without an exemption from taxes, to which they justly are, and ought to be subject, all difficulties and controversies about them would have long ago ceased; they would have been employed for the purpose, for which they were originally granted, or been in a situation, like other lands, to bear part of the burdens of the state. At present, they are of no use to any body; and the assembly are frequently passing laws about them, which the federal courts with great justice and equity, declare to be unconstitutional and illegal.

THE principles of religious liberty, are asserted in their fullest extent, in the constitution of Vermont. In the declaration of rights, there is a clause which seems to be adequate to the subject, and clearly expresses the religious rights of the people. "Nor can any man be justly deprived or abridged of any civil right as a citizen, on account of his religious sentiments, or peculiar mode of religious worship; and no authority can, or ought to be vested in, or assumed by any power whatever, that shall in any case interfere with, or in any manner control the rights of conscience, in the free exercise of religious worship."* In the plan of government formed in 1778, and revised in 1786, a religious test was imposed upon the members of the assembly, inconsistent with the above declaration; In the late revisal of the constitution (1792) this imperfection has been done away; and religious liberty has acquired a complete establishment, by a declaration that "no religious test shall be required of any member of the legislature."†

A greater attention to the liberal arts and sciences, would be of great advantage to the religious and civil interests of the state. The people of Vermont have not the advantages for the education of their youth, or the improvement of knowledge, which the people in the other states have. The disadvantages and dangers, which arise for want of literary institutions, are greater than they were aware of. The religion of ignorance, will either be, infidelity, or superstition; and it often produces an unnatural mixture of both, greatly unfavorable to the moral, and civil interests of men. When folly, in its own view, is become infallible and sacred, it opposes with obstinacy, all improvements in society; and requires, with a peculiar insolence the submission of all other men, to its own weakness and bigotry. The only remedy for the difficulties which arise in society, from this cause, is the increase of knowledge and education. And where society is destitute of the means and institutions, which are requisite to promote knowledge, it is without one of its most essential advantages; the means of her own cultivation, and improvement.

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* Declaration of rights, Article III.

† Plan or frame of government, Section V.

THE education of children for the common business of life, is well attended to. But the customary methods of education for the professions of divinity, law, or physic, are extremely deficient; and do not promise either eminence, or improvement. The body of the people seem to be more sensible of this defect, than professional men themselves. From the first assumption of the powers of government, the assembly had in contemplation, the establishment of an university in the state; and with this view, reserved one right of land in all the townships which they granted, for the use of such a seminary. In November, 1791, the legislature passed an act establishing the university at Burlington, upon a liberal, catholic, and judicious foundation. It has not, as yet, entered upon the business of instruction. If it should be furnished with able and judicious instructors, by extending the benefits of education, and promoting an attention to the arts and sciences, it would greatly assist the intellectual and moral improvement of the people: These improvements are of essential importance to men, in every stage of society; but most of all necessary, when they are forming a new state.

[1806.] In the year 1800 a college was also established at Middlebury in this state, an account of which was given in the political proceedings of that year. Both of these colleges have now a president, tutor, and other instructors. They have also laid the foundations of a library and philosophical apparatus. Several young gentlemen have been already educated at these colleges, and the number of students have been increasing. The same books, course, and method of instruction, have been adopted in these seminaries, as are in use in the other New England colleges.

There are also three medical societies, established by law, in the state. The members consist of the most judicious and able practitioners of the profession; the business of their meetings is to improve themselves, their profession, and the methods of medical education.

The time however is not come, when science is to appear in her highest dignity and glory. She is not yet seen in Vermont, pursuing her inquiries by astronomical and philosophical observations, by physical experiments, chymical processes, botanical collections, or anatomical dissections. Serious attempts are not yet made to introduce the substantial aids and ornaments of an astronomical observatory, a chamber of experimental philosophy, a museum of natural history, a botanic garden, or medical schools for anatomy, surgery, chemistry, or the materia medica. With the increasing wealth, population, and improvement of the state, we may rationally expect that science will put on a more dignified and lovely aspect.*

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* It may be of uſe to preſerve the geographical obſervations, which have been made in this part of the country. The following are the Latitudes of ſuch places, as have been determined by aſtronomical obſervations; and they are all which I have been able to collect.

	° m. s.
Latitude of the ſouth line of Vermont at Hinſdale,	42—43—59
The ſouth end of lake George,	43—16—12
Rutland,	43—36
Crown Point,	43—50— 7
Burlington, court houſe,	44—29— 9
Windmill Point,	44—57—14
Point au Pine	44—58—48
Moore's Point,	45— 0— 0
Reputed north line of Vermont, at the eaſt bank of lake Memphremagog,	44—53—46
Reputed north line of Vermont, at the monument on the weſt bank of Connecticut river,	44—47—54

CHAPTER XI.

STATE OF SOCIETY. *Nature of the American Government. Constitution of Vermont, Laws, Counties and Courts, Annual Expense of Government, Public Revenue, Militia, Popularity of the Government.*

NATURE OF THE AMERICAN GOVERNMENT. THE object and the principle of government is the same, in every part of the United States of America. The end or the design of it, is the public business; not the power, the emolument or the dignity, of the persons employed, but only that public business which concerns either the whole federal territory, or some particular state. The principle on which all the American governments are founded, is *representation.* They do not admit of sovereignty, nobility, or any kind of hereditary powers; but only of powers granted by the people, ascertained by written constitutions, and exercised by representation for a given time.

GOVERNMENTS founded on this principle, do not necessarily imply the same *form.* They do not admit of monarchy, or aristocracy; nor do they admit of what was called democracy by the ancients. In the ancient democracies the public business was transacted in the assemblies of the people: The whole body assembled to judge and decide, upon public affairs. Upon this account, the ancient democracies were found to be unfit, and inadequate to the government of a large nation. In America this difficulty never occurs : All is transacted by representation. Whatever may be the number of the people, or the extent of the territory, representation is proportioned to it ; and thus becomes expressive of the public sentiment, in every part of the union. Hence the government in different states, though chiefly republican, varies in its form; committing more or less power to a governor, senate, or house of representatives, as the circumstances of any particular state may require. As each of these branches derive their whole power from the people, are accountable to them for the use and exercise they make of it, and may be displaced by the election of others ; the security of the people is derived not from the nice ideal application of checks, balances, and mechanical powers, among the different parts of the government ; but from the responsibility, and dependence of each part of the government, upon the people.

This kind of government seems to have had its form and origin, from nature. It is not derived from any of the histories of the ancient republics. It is not borrowed from Greece, Rome, or Carthage. Nor does it appear that a government founded in representation ever was adopted among the ancients, under any form whatever. Representation thus unknown to the ancients, was gradually introduced into Europe by her monarchs ; not with any design to favor the rights of the people, but as the best means that they could devise to raise money. The monarchs who thus introduced it, with a view to collect money from the people, always took care to check it when it ventured to examine the origin and extent of the privileges of the sovereign, or of the rights of the people. In America every thing tended to introduce, and to complete the system of representation. Made equal in their rights by nature, the body of the people were in a situation nearly similar with regard to their employments, pursuits, and views. Without the distinctions of titles, families, or nobility, they acknowledged and reverenced only those distinctions which nature had made, in a diversity of talents, abilities, and virtues. There were no family interests, connexions, or estates, large enough to oppress them. There was no excessive wealth in the hands of a few, sufficient to corrupt them. Britain tried in vain to force upon them a government, at first, derived from the decrees of her parliament; afterwards, from conquest. Nothing remained for such a people, but to follow what nature taught; and as they were too numerous to attempt to carry on their governments in the form of the ancient democracies, they naturally adopted the system of representation: Every where choosing representatives, and assigning to them such powers as their circumstances required. This was evidently the system of government, that nature pointed out: And it is a system that has no where been suffered to prevail but in America, and what the people were naturally led to by the situation in which providence had placed them. The system of government then in America, is not derived from superstition, conquest, military power, or a pretended compact between the rulers and the people; but it was derived from nature and reason;

and is founded in the nature, capacities, and powers, which God hath assigned to the race of men.

All the power that such governments can have, is derived from the public opinion. The body of the people, while they remain industrious and economical, will be steadily attached to the public interest, which will entirely coincide with their own. They will more readily discern what their interest is, and be more steadily attached to it, than is to be expected from men who are placed in offices of honor and profit. The public opinion will be much nearer the truth, than the reasonings and refinements of speculative or interested men; The former will be founded wholly in a desire, and aim, to promote the public safety; the latter will be unavoidably more or less governed, by private views, interests, and aims: And when the government has the general opinion of the people to support it, it can act with the greatest force and power; that is, with the collected force and power of the whole nation: And this is the greatest force that ever can be exerted by any government, in any situation whatever. Despotism never acquires a force equal to this. When a whole nation unite, and the public spirit moves and operates in the same direction, nothing can withstand its force, and the powers of despotism, with all their standing troops and regular armies, fall before it. It is only when the public sentiment and spirit is thus united, and brought into action, that government has acquired, or is able to exert the whole force of the national power. With this strength, the governments of America amidst every kind of difficulty, rose superior to all opposition; firmly established themselves, in fifteen different states; and gave uncommon vigor and efficacy to a federal establishment, which was designed and adapted to manage the public business of the whole system.

BUT whatever be the form or the power of government, it cannot attain its greatest perfection, unless it contains within itself, the means of its own *improvement*. The men of civilized countries, are making gradual and constant improvements in knowledge, in the sciences, and in all the arts by which life is made more secure and happy. Hence, that form of government which was best suited to their state in one stage of society, ceases to be so, in another: And unless the government itself improves, with the gradual improvement of society, it will lose much of its respectability, and power; become unsuited to the state, and injurious to the people. Despotism has always contemplated the body of the people, as mere mob; and has aimed and operated to keep them in that situation. To governments founded in this principle, the improvement of mankind proves fatal and destructive: And there is nothing, such governments are more anxious to prevent, than knowledge, property, and improvement, in the body of the people. Built upon the rational and social nature of man, the American government expects to find its surest support, and greatest duration, in the gradual improvement, in the encreasing knowledge, virtue, and freedom, of the human race. The present government of

America, is therefore proposed to her citizens, not as the most perfect standard of what man can ever attain to, but only as the best form, which we have as yet been able to discover: Not as a form, which is to bind our heirs and posterity forever, but as a form which is referred to them, to alter and improve, as they shall find best. Upon this idea, it is one of the constituent and essential parts of the American government, that conventions shall be called at certain periods of time, to alter, amend, and improve the present form and constitution of government; as the state, circumstances, and improvements of society, shall then require. Thus provision is made, that the improvement of government, shall keep pace with the improvement of society in America. And no policy would appear more puerile or contemptible to the people of America, than an attempt to bind posterity to our forms, or to confine them to our degrees of knowledge, and improvement: The aim is altogether the reverse, to make provision for the perpetual improvement and progression of the government itself.

As this kind of government is not the same as that, which has been called monarchy, aristocracy, or democracy; as it had a conspicuous origin in America, and has not been suffered to prevail in any other part of the globe, it would be no more than just and proper, to distinguish it by its proper name, and call it, *The American System of Government.*

CONSTITUTION OF VERMONT. The government of Vermont is of the same nature, and founded upon the same principles, as the other governments in the United States. By their constitution, formed in 1778, and revised in 1786, and 1792, the supreme legislative power is vested in a house of representatives of the freemen. Every town has a right to choose a representative, on the first Tuesday of September annually. The representatives so chosen, are to meet on the second Thursday of the succeeding October, and are styled *The General Assembly of the State of Vermont.* They have power to choose their own officers; to sit on their own adjournments; prepare bills, and enact them into laws; they may expel members, but not for causes known to their constituents antecedent to their election; impeach state criminals; grant charters of incorporation, constitute towns, boroughs, cities, and counties; in conjunction with the council they are annually to elect judges of the supreme, county, and probate courts, sheriffs and justices of the peace; and also with the council, may elect major generals, and brigadier generals, as often as there shall be occasion: They have all other powers necessary for the legislature of a free and sovereign state: But have no power to add to, alter, abolish, or infringe any part of the constitution.

The supreme executive power is vested in a governor, or lieutenant governor, and a council of twelve persons, chosen by the freemen, at the same time they choose their representative. The governor, or the lieut. governor and council, are to commission all officers; prepare such business as may appear to them necessary to lay before the general assembly: They are to sit as judges to hear and determine on impeachments, taking to their assistance, for advice only, the judges of the supreme court. They have power to grant pardons, and remit fines, in all cases whatsoever, except in treason and murder, in which they have power to grant reprieves, but not to pardon until after the end of the next session of assembly, and in cases of impeachment, in which there is no remission or mitigation of punishment, but by act of legislation. They may also lay embargoes, or prohibit the exportation of any commodity, for any time not exceeding thirty days, in the recess of the house only. The governor is captain general and commander in chief of the forces of the state, but shall not command in person, except advised thereto by the council, and then only so long as they shall approve: And the lieutenant governor by virtue of his office, is lieutenant general of all the forces of the state.

THAT the laws before they are enacted may be more maturely considered, and the inconvenience of hasty determinations as much as possible prevented, all bills which originate in the assembly are laid before the governor and council for their revision and concurrence, or proposals of amendment; who return the same to the assembly with their proposals of amendment (if any) in writing; and if the same are not agreed to by the assembly, it is in the power of the governor and council, to suspend the passing of such bills, until the next session of the legislature. But no negative is allowed to the governor and council.

THE formers of the constitution were aware that the plan of government, which they had drawn up, would not be adequate to the affairs of government, when the state of the people should become different, but must necessarily vary with it: And they wisely made provision to have the whole examined and revised, at the end of every seven years. The provision they made for this purpose was a *Council of Censors*, to consist of thirteen persons, to be elected by the people every seventh year, on the last Wednesday in March; and to assemble on the first Wednesday in June. The duty assigned to them, is to inquire whether the constitution has been preserved inviolate in every part; whether the legislative and executive branches of government have performed their duty, as guardians of the people; or assumed to themselves, or exercised other or greater powers, than they are entitled to by the constitution; whether the public taxes have been justly laid, and collected; in what manner the public monies have been disposed of; and whether the laws have been duly executed. Powers fully competent to these purposes, are committed to them. They may send for persons, papers and records: They have authority to pass public censures, to order impeachments, and to recommend to the legislature the repealing such laws, as shall appear to them to have been enacted contrary to the principles of the constitution. These powers they may exercise during the space of one year, from the time of their election; and they may call a convention to meet within two years after their sitting, if they judge it necessary.

In examining a constitution of government, the most capital circumstance to be taken into consideration, is, the condition and circumstances of the people, or the state of society among them. At the first assumption of government in Vermont, the form of it differed but little from the democracy of the ancients. From that period, it has been constantly tending to give more power to the house of representatives. But it is found by experience, that in so popular a government, nothing is more necessary than some provision, like that of the council of censors, to have all the public proceedings revised at certain periods of time; and such alterations made in the constitution, as time, events, or the circumstances of the people may require. As the state of society is progressive, there is no way to have the government adapted to the state of society, but to have the government also progressive; that both may admit of the improvements, that are gradually made in human affairs. With this provision, a constitution of government which contains many faults, will gradually mend and improve itself, without being forced to the dangers and convulsions of a revolution: And it seems to be the only provision which human wisdom has yet found, to prevent the interposition of such calamities. [1806] The benefits which were expected from a council of *censors*, have not taken place; and impartiality requires us to acknowledge, that from the experience of thirty years it does not appear that the plan is adequate to the object. The council of censors is not, and probably cannot be elected, with the information and wisdom, which the plan supposes. They are generally chosen from the nomination and influence of the prevailing party in the legislature, and for purposes which they wish to have effected. When the council comes together, they seldom discover the information, impartiality, independence, or application, necessary to review and improve the proceedings of the legislative and executive branches of government. Their proceedings have often been viewed, as marked with prejudice, partiality, contracted views, and want of comprehension. The assembly often pay but little regard to their decisions, and the people still less; and it is become the general opinion, that little advantage is to be expected from an institution, which has hitherto appeared inadequate to the object. Time and experience will determine what is wanted in this part of our constitution.

LAWS. So much of the common law of England as is not repugnant to the constitution, or to any act of the legislature, is adopted as law within this state: And such statute laws, and parts of laws of the kingdom of England and Great Britain, as were passed before the first day of October, 1760, for the explanation of the common law, and are not repugnant to the constitution, or some act of the legislature, and are applicable to the circumstances of the state, are also adopted and made law in Vermont. The criminal law of Great Britain seems to be adapted only to a very degraded, vicious, and barbarous state of society. No less than one hundred and sixty crimes are punishable by death. Sanguinary laws and executions have there made death so common and familiar, that it seems to have become one of those common occurrences, which is constantly to be expected, and is very little regarded. Several of the punishments, in the contrivances of their cruelty, are fully equal to any thing that has ever been perpetrated by the Indians of America: In brutal rage and inhuman torture, the punishment assigned to high treason, fairly exceeds any thing the Indian genius could ever conceive. Such a code of criminal law is wholly unfitted to the uncorrupted state of the people in America; nor would they in any part of the continent, be persuaded to admit it. Instead of one hundred and sixty, there are only nine crimes, to which the laws of Vermont have assigned the punishment of death: And since the first assumption of government in 1777, there has not been any person convicted of any of these crimes. What relates to the internal affairs of government, the regulations necessary for a new country, or such as are suited to our particular state of society, are provided for by statutes made for such particular cases and purposes. To form a code of laws suited to the state of a large nation, has been justly esteemed the most difficult part of government. It does not appear that human wisdom has ever been able to effect this without great errors, in any part of the earth. If it is to be obtained, the particular states of America have now a fair opportunity to make the experiment, how far human wisdom can proceed at present, in effecting this arduous but most important attainment.

COUNTIES AND COURTS. For the more convenient administration of justice, the state is divided into twelve counties, viz.

Counties.	*County Towns.*
Bennington,	Bennington. Manchester.
Windham,	Newfane.
Windsor,	Windsor. Woodstock.
Rutland,	Rutland.
Orange,	Newbury.
Addison,	Middlebury.
Chittenden,	Burlington.
Caledonia,	Danville.
Essex,	Guildhall.
Franklin,	St. Albans.
Orleans,	Brownington.
Grand Isle,	North Hero.

In the four last counties, courts are not to be holden until the first day of October, 1796. In the other counties there are probate courts, justices' courts, county courts, a supreme court, and a court of chancery.

The justices of peace in each county are annually nominated, and appointed by the general assembly: They are of course the same persons, as the members of the assembly from each county, with the addition of a few others. They have power to try and determine all pleas and actions of a criminal nature, where the fines and forfeitures are within the sum of forty shillings, and the corporal punishment shall not exceed ten stripes. They may also try and determine all pleas and actions of a civil nature (other than actions of defamation, replevin, trespass upon the freehold, and where the title of land is concerned) where the debt, and other matter in demand, does not exceed the sum of four pounds; and also determine on all specialties, notes of hand, and settled accounts, not exceeding the sum of eight pounds. They may also bind over to be tried by the county or supreme court, all criminal offenders, the enormity of whose misdemeanor surpass their power to try. No judgment rendered by a justice of peace, can be reversed by writ of error: But appeals are allowed to the next county court, in all cases where the judgment for debt or damages, shall exceed the sum of forty shillings.

In each county there is also a county court; consisting of three judges, who are also annually appointed by the assembly. The county courts, within their respective counties, are to take cognizance of all criminal matters of every name and nature (except such cases as are cognizable only in the supreme court, or before a justice of the peace) and award sentence. But any person prosecuted for a criminal offence, may appeal from the judgment of a county court, to the next supreme court. All actions and causes of actions of a civil nature (except such actions as are made cognizable solely before the supreme court, or justices of the peace) must be originally commenced, and prosecuted to effect in a county court.

The supreme court of judicature consists of three judges, to be annually chosen by ballot, by the governor, council, and general assembly, at their October session. This court has cognizance of all pleas of the state, criminal actions and causes, and whatsoever relates to the conservation of the peace, and punishment of offenders; and also of civil causes or actions between party and party, and between the state and any of its subjects, whether the same be brought into said court by appeal, writ of error, or in any other legal way whatsoever. The supreme court has original exclusive jurisdiction of the crimes of adultery, polygamy, and all capital felonies, of treason, misprison of treason, counterfeiting the currencies of the state, and every species of forgery, perjury, subornation of perjury, incest, rapes, defaming the civil authority of the state, and all other crimes and misdemeanors, where a fine or penalty is going to the state treasury, or where the punishment extends, either by common or statute law, to the loss of life, limb, or banishment. The supreme court begin their circuit in Bennington county, on the first Tuesday in August; from thence it proceeds to Rutland, the next adjacent county, beginning the session there on the second Tuesday in August; and in this order proceeds through all the counties in the state, beginning the session in the next county, on the succeeding Tuesdays, until they have finished the circuit in seven weeks at Windham county: And it is left to the chief justice, to call a special court, where the exigencies of government shall require it. [1806] Since the above arrangements were made, the judges have been directed to have sessions of the supreme court, in some of the new counties. A different order has been established as to the times, and places, of holding the courts; and it is probable that these will vary in future, as the convenience of the people and of the judges may require.

A court of chancery is also constituted in the state of Vermont; to be holden in the several counties within the state, at the several times and places appointed by law for holding the supreme court of judicature. The judges of the supreme court, are constituted judges or chancellors of the court of chancery. They have all the powers, usually exercised by that court in the kingdom of Great Britain, and in the neighboring states, and not repugnant to the constitution. The manner of process in this court, is to be governed and regulated by the judges; conforming, as near as may be, to the rules and precedents established in the courts of chancery, in the kingdom of Great Britain.

ANNUAL EXPENSE OF GOVERNMENT.

The annual expense of the government is generally about thirty two or thirty three hundred pounds. In the year 1792, the several articles of it were these,

The governor's salary.	£.150 0 0.
Lieutenant governor's fees for attending council, fifteen shillings per day,	1196 9 0
Councillors' fees for attending council, seven shillings per day,	
Representatives' fees for attending the general assembly, six shillings per day.	
Secretary of state's fees for attending the general assembly, twelve shillings per day.	
Secretary of council's fees for attending the council, nine shillings per day.	
Officers attending the general assembly, sheriff, auditor of accounts, chaplain, &c. six shillings per day.	

Chief justice of the supreme court, while on the circuit, one pound seven shillings per day. Two assistant judges, one pound 2 shillings per day; orders drawn on the treasury by the sup. court.	1305	6	0
Treasurer's salary.	118	0	0
Occasional expenses. Orders drawn on the treasury, by the auditor of accounts.	449	14	9
Total expense from October 1, 1791, to October 1, 1792. £.	3,219	9	9

These are the constant and annual expenses attending the government, and do not greatly differ in different years: But as the number of representatives is annually increasing, the public expense is annually increasing on that account. There are other expenses which arise almost every year, which are of an occasional, and contingent nature. Of this kind are commissioners for public purposes, the council of censors, conventions, &c. As these are only for some particular or occasional purpose, the expense varies with the occasion; and they cannot be estimated among the annual charges of government. The whole expense then of government, from October, 1791, to October, 1792, amounted to three thousand two hundred and nineteen pounds, nine shillings, and nine pence. If this sum be divided among the inhabitants of the state, as determined by the census taken in 1791, it will amount to but nine pence, or the eighth part of a dollar, for each person. This is the sum that each person in

Vermont pays for the protection of his person, property, and the advantages of a free government. I believe there is not any part of the civilized world, in which the inhabitants enjoy the blessings of government, at so small an expense.

Public Revenue. The revenue of the state ariseth wholly from the public taxes. For some time after Vermont had assumed the powers of government, very considerable revenues arose from the unappropriated lands: But as these lands are almost all appropriated, no further incomes can be derived from this source. Commerce, in an inland country, can never be attended with any considerable revenue. The only source that can be found is taxation. In the year 1791, the whole list of taxable property of the state, amounted to £.324,796 18 10. The prices at which the listers were directed to estimate the improved lands, and cattle, were scarcely one half of the current prices of those articles; the estimate therefore in the list, could not amount to one half of the real value of the ratable property, of the state. After making abatement upon this list of £.1,116 8 0 for the twofolds, a tax was voted of two pence half penny, upon the pound; amounting to £.3,371 14 0. The expense of collecting this rate, allowed by law as fees to the collector, is a fiftieth part: And a further abatement is made for the benefit of the poor, of a twentieth part. These abatements being deducted, the sum the government receives is £.3,135 14 0. With the addition of £.83 to this small sum, was the whole expense of government, among eighty six thousand persons, defrayed in the year 1792. If this be compared with the expense of government in Europe, the difference will be found to be infinite: The babe of a monarch, will cost a nation there, thirty or forty times the sum.

It ought also to be recorded, for the benefit and remembrance of the people of America. For this is the place, where a corruption in government, always makes its first appearance. Reasons and causes are easily found, to increase the number of public places and offices: And those who are in power, and derive their living from the public, will compute the honor and dignity of the government, by the sums of public money which are allowed to them. The progress has ever been certain, gradual, and regular; from small beginnings, to the utmost extreme of luxury, and dissipation, that the national wealth could supply. It would be almost a miracle, if public affairs should not assume the same aspect and course, in America. If it is prevented, it will not be by government: It can alone be done by the virtue, the knowledge, the economy, and the public sentiment of the people.

In examining the annual expense and revenue of the government at this period, 1806, the result is favorable to the people, and evidential of the economy and virtue of republican government. The several articles of *expense*, as stated in the treasurers report to the assembly, were these:*

* Journal of the assembly for the year 1806. p. 68, 69.

	Dol.	*Cts.*
1806. Cash paid the debenture of the general assembly, and the contingent expenses of the last session.	11,954	88
Cash paid the debenture of a special session of the governor and council, in May, 1805.	102	38
Cash paid the salaries of the supreme court for 1 year. *D.*2,800 Deduct for cash paid by the several clerks, for fees in civil causes. 991 43.	1,808	57
Cash paid the several state's attorneys.	640	04
Cash paid for supreme court orders.	3,062	96
Cash paid for auditor's orders.	2,740	67
Cash paid for wolf's certificates.	650	00
paid for special acts of the general assembly.	310	71
paid the electors of president and vice president.	45	96
paid the governor's salary.	750	00
paid the treasurer's salary.	400	00
	22,966	17

This sum is but a little more than double of what the expenses of government amounted to, in the year 1791. If it be divided among the inhabitants of the state, by the number of people, as determined by the census of 1800, it will amount to but fourteen cents for each person. The sum then which each individual pays in the state of Vermont, for the blessings of civil government, is scarcely any more than it was fifteen years ago. Notwithstanding then the increase of representatives, salaries, and other unavoidable articles of public expense, the economy of the government has not abated; no degree or appearance of corruption has taken place in it; but the public economy yet remains highly deserving of praise, and worthy of future imitation

WHILE a careful attention has been paid to the public expense, the public REVENUE has also been increased, and preserved. In the year 1791, the grand list stating the ratable property of the state, amounted to 1,082,656 dollars and 47 cents. This list became doubled, in 9 years; and in 1806, amounted to 2,738,538 dollars. On this list the legislature voted a tax of one cent on the dollar for the expenses of the ensuing year; and on September the 5th, when all the expenses of the preceding year had been paid, there remained in the treasury, 21,031 dollars, and 30 cents, to meet the expense of the ensuing session of the legislature, and other charges against the government. In this management of the public expense and revenue, we behold a political phenomenon, greatly favorable and honorable to republican government,

MILITIA. The military force of the state consists of all the able bodied males, from eighteen to forty five years of age; with such exceptions as are customary in the other states.

The men are required by law to provide themselves with such arms as are used in times of war, when in actual service. They are divided into companies, regiments, brigades and divisions. The companies elect their captains and subalterns. The captains and subalterns appoint the field officers of their respective regiments. The brigadier generals, and the major generals, are appointed by the governor, council, and house of representatives. The governor is captain general and commander in chief, and with the advice of council, is to arrange the whole militia into divisions, and brigades; and may from time to time, make such alterations as he shall think fit. The whole militia of the state, is to be reviewed at least once in two years.

In 1792, the state of the militia was as follows: Twenty regiments of infantry, divided into eight brigades, and four divisions; Fifteen companies of cavalry, and six companies of artillery; the whole computed at eighteen thousand, five hundred.

The staff consists of one captain general, one lieutenant general, four major generals, eight brigadier generals, one adjutant general, and one commissary general.

It seems to be principally owing to the political virtue and martial spirit of the young men, that the militia of the state do yet [1806] make a respectable appearance. It is customary for the governor, in almost every speech to the assembly, to recommend in all the energy of language, an attention to the state of the militia: And it is customary for the assembly in their answer, to thank him much for this part of his speech; and to make the common remarks, that the militia are "the sure and permanent bulwark of national defence;" that they must be put into such a state, as to exclude all pretence and plea for a standing army; and be at all times able to protect and defend their country. And with this martial arrangement of ceremony, the matter generally ends. If artillery is wanted, if arms are to be procured, or if the expense of a court martial is to be defrayed, individuals must bear the expense; the legislature will not afford any aid. The unmilitary, feminine spirit of the federal government, has also operated to damp the spirit of every thing military and energetic. With more sense of military honor, and with more attachment to the reputation and safety of their country, the young men in many places, retain the spirit of their ancestors; take up the business with vigor and activity, and conduct it with propriety and honor. In opposition to all the discouragements they receive, the numbers that retain the feelings of men, and the honor of soldiership is yet respectable. In a return made by the adjutant general in October 1803, the number of the militia is stated at 17,574; muskets, 7,559, pairs of pistols, 948, pairs of holsters, 1001, horsemen's swords, 957.*

THE militia of Vermont are a body of brave, hardy, robust, and intrepid men. Trained up to hardship, labor, economy, and hunting, they have all the qualifications that tend to fit men for the military character: Discipline and actual service, transform them at once, into a body of excellent troops. In the American war, there were no better troops collected from any part of Europe, or America, than the regiments raised in Vermont. The most brave, hardy, and robust militia, will always be found among the inhabitants of new countries.

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* Journal for 1803, p. 29.

POPULARITY OF THE GOVERNMENT. From the experience the people have had, of the influence and operation of the government, they are not only satisfied with it, but they are very strongly attached to it. This is the surest way to judge of all theories, forms, and constitutions of government. What is written upon paper respecting government, is no otherwise good or bad, than as it is applicable to mankind, and may be beneficial, or disadvantageous to them. While government serves to promote the benefit and prosperity of the people, the people will be attached to it. But when the body of the people become discontented and uneasy, it may be presumed, there is some capital error or vice in the government. During a century and a half, every part of America, was under the control of the kings of Europe. The ministers of the European courts were perpetually interfering in the affairs of the colonies; and were persuaded that the colonists had not wisdom enough to govern themselves. Through the whole of this period, all those parts of America flourished the most, in which the European monarchs intermeddled the least: And there was not one spot on the continent, where the inhabitants were not better qualified to govern themselves, than the wisest minister of state in Europe. The one, perfectly well understood their own situation, circumstances, dangers and interests; and were attached to the welfare of the country: The other, were almost wholly ignorant of the state of things in America; and not at all disposed to promote her interest, any further, than as it served to advance the interest of the crown, under which they served. This must always be the case, where one people are in so unhappy and unnatural a situation, as to be under the government of another. The people of America have now no restraint, no opposite interest of a foreign king, and parliament, to perplex their government, influence their measures, and oppose their interest. They have every where set up governments for themselves; and they are every where flourishing, and rapidly increasing in their wealth, and numbers: And are not only satisfied, but they are strongly attached to their governments. If there be any certain marks of a good government, those marks are the peace, happiness, and prosperity, the increase, and the affections of the people.

CHAPTER XII.

STATE OF SOCIETY. *Population: Causes on which this depends, the mean Period of Human Life in the American States, Period of doubling in Vermont, comparative View of Population in new and old Countries.*

POPULATION depends upon two general causes, the original laws of nature, and the state of society. In the original constitution of animals, the Author of Nature has established certain laws respecting their increase, and multiplication, which cannot be exceeded. These laws relate chiefly to the age at which the female becomes capable of bearing fruit, the numbers that may be produced at one birth, the time that must intervene between one birth and another, and the age at which the female will cease to be prolific. The laws of nature respecting each of these particulars, considered with respect to the human race, are much affected by climate; and are every where subject to universal and constant observation. But they are so far from being accurately known, or ascertained, that whoever shall attempt to make a computation upon either, or all of them, will find that not one of these periods has been marked by observation; and that the mean period required by nature for these purposes, is yet unknown in every country and climate.

THE increase of mankind, thus confined within certain limits by nature, is also very much affected by the state of society. The condition of the body of the people, the ease or the difficulty with which they can procure property to maintain a family, the genius of the civil government, the spirit and regulations of religion, the numbers employed and the destruction occasioned by war, the institutions of celibacy; with the manners and customs of the people, may retard or favor population, to a great degree; and cause it to be very different in the same climate, and at the same place, at different times. Both these causes generally combine, and operate together; and in such a manner, that we cannot separate their effects; or determine how much is to be ascribed to the law of nature and climate, and what is derived from the state of society. This difficulty attends all the tables which have been made of births, deaths, and marriages. Tables of this kind have been made for almost every nation in Europe, and for several places in America. They appear to have been the result of accurate observations and calculation. But the results at different places in the same latitude and climate, have been so different, that no general conclusions can be drawn from them, respecting the natural increase of the human race: They mark what has taken place at a given time, and place; but they afford little information of what is to be expected, from the general course of nature, in any particular country, or climate.

By the late enumeration of the inhabitants of the United States of America, a period has been found in the course of human life, above, and below which the number of the males are nearly equal. This period is nearly at the age of sixteen years. Can we not derive some information, from so remarkable a fact, respecting the increase and population of the people of the United States? And may it not be determined what must be the operation of nature, to produce and preserve this equality of numbers, below, and above that age?

LET us attempt to compute it upon a given case. Suppose the whole number of people in one of the states of America, amounted to thirty two thousand; one half of which had not attained the age of sixteen, and the other half had passed this period. At the end of sixteen years, the whole number will have passed the mean period, and be found in that number whose age is above sixteen, making together thirty two thousand. To balance this number, nature must have produced in the same time, an equal number whose age will be below sixteen: That is, during this period of sixteen years, thirty two thousand must have been born. For every one then that has passed the period of sixteen years, nature must have produced two; otherwise the balance, or an equality in the numbers below and above that age, could not be preserved. And this would also be the exact period of doubling the number of the inhabitants.

THIS must be the operation of nature, if the subject on whom the calculation was made, had been invariable, or subject to no diminution. But this is not the case. Death is constantly diminishing the number of those whose age is above sixteen, and of those whose age is below sixteen; and it diminishes them both, in the same proportion. This curious fact is ascertained by a course of observations, made in several towns in the eastern parts of New Hampshire. At Hampton, an accurate table of deaths, with the age of each person, was kept by the ministers of the parish, from the year, 1735 to 1791. Similar bills were kept at East Kingston, from 1740 to 1771: At Newmarket, from 1731 to 1770: At Dover, from 1767 to 1786.* The result of these observations is, that the whole number which died in those towns, during those years, was two thousand and ninety eight: Of these, one thousand and fifty were under sixteen years of age; and one thousand and forty eight above that age. In the result of so long a course of observations, made in four different towns, we may expect to find the regular course of nature, or the natural operation of death, well ascertained. And they seem fully to have established this curious fact, that death has an equal effect, or is constantly destroying equal numbers of those whose age is above, and of those whose age is below sixteen years.

SUCH is the operation and effect of death: And by constantly diminishing the numbers of mankind, it will every where prolong the period of doubling, beyond the mean period of human life. But to what degree will it retard this event; or to what length of time will it prolong the period of doubling? It will prolong the period of doubling, exactly in that ratio, which the deaths shall bear to the births, in the same period of time. The bills which were kept in New Hampshire, do not contain an accurate account of the births, but only of the baptisms; and therefore will not serve to discover what proportion the deaths bear to the births, in those towns. But from the bills of mortality, which have been kept in Massachusetts, it has been found that the number of deaths, are annually in a constant and settled ratio to the number of births. At Hingham, the aged and venerable Dr. Gay, kept a very exact list of all the deaths and births in his parish, for the space of fifty four years, from 1726 to 1779, inclusive. The deaths amounted to one thousand one hundred and thirteen, the births to two thousand two hundred and forty seven.* At Ipswich, the Rev. Dr. Cutler, made similar observations for a course of ten years, from September 11, 1771, to September 11, 1781. The number of deaths were one hundred and sixty four, the number of births three hundred and thirty one.* At Salem, an accurate and able physician and philosopher, E. A. Holyoke, M. D. has given an exact bill for the years 1782 and 1783: The deaths were three hundred and sixty four, and the births seven hundred and two.† In these numbers we have the result of a course of observations carried on in three different places, during a period of sixty six years. The result of the whole, is, that the deaths were one thousand six hundred and forty one, and the births amounted to three thousand two hundred and eighty; that is, the deaths were to the births in the ratio of one to two. This is the annual and constant proportion of death to birth, in the ancient towns, along the sea coast, in Massachusetts. The increase of the people therefore derived from the births, is annually diminished one half by the natural operation of death: And instead of doubling in sixteen years as must have been the case had no one died, the effect occasioned by death, will be, to prolong this period one half; instead of sixteen years the period of doubling will become twenty four. This will be the period of doubling in all those places, where the mean age of human life is sixteen years, and the ratio of death to birth as one to two.

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* Belknap's Hist. of New Hampshire, Vol. III, p. 238—248.

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* Memoirs of American Academy, Vol. I. p. 566.
† Ibid. 543.

FROM this method of reasoning, I much suspect that the age at which the numbers of people are equally divided, will in every country prove to be the time, which nature requires in that climate, to produce double the number of people that are then living: That the actual period of doubling, will in fact be retarded in exact proportion to that, which the deaths bear to the births: And that this ratio will very nearly determine what influence the state of society has, on the increase of mankind in any country or town.

I am not in possession of the data that would be necessary to examine this theory, by the state of things in the ancient and populous countries, of the other hemisphere. But from the enumeration that was made of the inhabitants of the United States of America, in 1790, we may venture to compute the state of things among ourselves. The number of males, their relative proportions, numbers below and above sixteen, and the age below and above which the numbers become equal, are as follows:

	Males below 16 years of age.	Males above 16 years of age.	Difference. Above 16 years of age.	Age below & above which the numbers become equal. Yrs Mths.
Northern States.—Vermont, New Hampſhire, Maine and Maſſachuſetts, Rhode Island, Connecticut and New York.	317.540	338,600	21,060	16 2 1-8
Middle States.—New Jerſey, Pennſylvania, Delaware and Maryland.	211,846	223,737	Above 16, &c 11,891	16 5 1-4
Southern States.—Virginia, Kentucky, North Carolina, South Carolina and Georgia.	262.464	244,757	Below 16 years of age. 17,707	15 5 1-8

From this view of the result, it should seem that the middle and northern states were the most favorable to longevity, and the preservation of life; And that the southern states were the most favorable to a rapidity of production, and increase. Whether these circumstances will not balance each other, and produce an equality in the period of doubling, cannot be determined without further observations. In Massachusetts, the period of doubling cannot be far from twenty four years and three months. What this period is in other states, must be determined either from actual observation, or by ascertaining the ratio which the deaths bear to the births. If the enumeration which is to be taken in the year 1800, should be as particular with respect to the females, as the last was with respect to the males, it would enable us to ascertain several particulars in this part of the natural history of man, which cannot be determined without another enumeration.

It has been generally supposed, that the increase of mankind is most of all rapid, in a new country; and that it is in the new settlements, that nature acts with the greatest force and vigor. Vermont is now in the situation, in which a new country ought to be examined. We have no populous towns, seaports, or large manufactories, to collect the people together. They are spread over the whole country, forming small and separate settlements. Agriculture is almost the universal employment. But few are pinched for want of the necessaries of life, and nothing like luxury has yet taken place among us. The government is highly democratic. In religion the most perfect freedom and equality takes place among all parties. The taxes are no more than what are unavoidably necessary, to preserve the existence and form of government. Lands are easy to be procured, and the soil is rich and fertile. Every family enjoys nearly the whole produce of their labor. The climate is salubrious and healthy. And neither war, sickness, or famine, have of late diminished the increase, or disturbed the labors of the people. I do not know that we can find any new country, in which every circumstance seems more favorable to increase: Or any, in which we may more probably expect to find the *maximum*, which nature and society can produce in such a latitude and climate. From the enumeration of the inhabitants taken in 1791, we have the following result:

	Males below 16 years of age.	Males above 16 years of age.	Difference. *Above* 16 years of age.	Age below and above which the numbers become equal.	
				Years.	Months.
Vermont.	22 328	22.435	107	16	1

To ascertain the effect produced by the natural operation of death, I have procured a bill of mortality for one of the principal towns, for the years 1789, 90, and 91. It is made for Rutland, from the observations of E. Porter, and D. Reed, two able physicians.

Number of inhabitants in Rutland, in 1791.	Deaths.	Births.	Ratio of the deaths to the births.	Period of doubling prolonged by the deaths.	
				Years.	Months.
1407	46	223	1 to 4, 85	3	4

FROM this table it appears that the deaths in Vermont, are to the births, in the proportion of 1 to 4, 85; of consequence the period of doubling in this state, at present, is nineteen years and five months.*

FROM such views of the increase and population in America, we can scarcely avoid comparing the state of things in the United States, with that of the ancient and populous countries in Europe. In the city of London, if we may judge from the annual bills of mortality, the human race are annually decreasing; the deaths generally exceed the births, about one tenth every year. The savage state was less unfavorable to the increase of mankind, than such large and populous cities: Instead of preserving, they tend to destroy the human race.

IN most of the ancient and populous nations of Europe, their forms of government, their ecclesiastical establishments, the extreme luxury of one part of the people, and the extreme poverty of the other, their long and bloody wars, their numerous fleets and armies, the numbers which are reduced to servitude, and rendered incapable of supporting families, with the impious institutions of celibacy, have nearly destroyed the natural increase of mankind; or at least they have rendered it extremely slow, and uncertain. "In Great Britain, and most other European countries, they are not supposed to double in less than five hundred years."* In vain do politicians go about to celebrate the wisdom of a state of society, which destroys the noblest fruit and production of nature: It must be essentially and fundamentally bad. The surest proof of the prosperity of any country, is a rapid increase of the people.

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* Since writing the above I have received from Dr. Aſaph Fletcher, an accurate obſerver and able phyſician, an account of the births and deaths in the town of Cavendiſh. In the courſe of ſeven years, the number of births in that town was two hundred and ten; the number that died in the ſame period, was thirty. The ratio of deaths to that of births in that town, during this period, has been but as one to ſeven.

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* Smith's Wealth of Nations, Vol. I. 94.

CHAPTER XIII.

STATE OF SOCIETY; *Freedom; Destroyed in some Countries by the State of Society, produced by the Settlement of America, the Cause and Effect of the American War, cannot be preserved by Government, depends on the State and Condition of the People.*

THE employments, the government, the religion, the customs, habits, manners, and condition of the people, constitute their state of society. In the state of society which had taken place in America, the foundations of her freedom were laid, long before the nations of Europe had any suspicion of what was taking place in the minds of men. Conquest, religion, law, custom, habits, and manners, confirmed by military power, had established a state of society in Europe, in which the rights of men were obliterated and excluded. The property and power of a nation had passed into the hands of the sovereign, nobility and church. The body of the people were without property, or any chance or prospect of securing any; and without education or knowledge to form them to any rational principles and sentiments. Without property and without principle, they were of little or no consequence, in the view of government. When the contest was whether the king or the commons should gain more power, the meaning was not at all whether the body of the people should be raised out of their degraded state of ignorance, poverty, and insignificance;

but whether that part of the nation, which had acquired much wealth and property, should have more influence in the affairs of government. The body of the people were esteemed as mere mob, wholly inadequate and unfit for the affairs of government. The king, lords, and commons, were agreed in viewing the mass of the people in this light. And as they had neither property, principle, or knowledge, it is probable that the opinion which their rulers formed of them, was but too just.

SUCH had been the state of society in Europe, for many centuries. Time, law, religion, and power, had combined with every other circumstance, to degrade the people; and to reduce the body of them to the lowest state of abasement, and contempt. In a state of society, in which every thing had so long deviated from the design and law of nature, it could not be, but that the rights of men should be lost; and the idea of them had nearly perished. Nothing was to be seen but one general degradation of the body of the people, and an unnatural and excessive exaltation of those who had acquired power; every where tending to corrupt both; and to give the most unfavorable idea of the capacity of the former, and of the disposition of the latter. It required the daring spirit of Milton and Sydney, and the abilities of Locke and Montesquieu, to discover the rights of men, when men themselves for many centuries, had made the state of society wholly opposite and contrary to the state of nature. The philosopher had to deduce them from the creation, and nature of man. In this inquiry, the progress, like discoveries in other sciences, was extremely slow and precarious. Interest and reputation were against the progress of this kind of knowledge. The law, the church, and the government, were not only opposed to it, but they punished the discoverers and writers, by whipping, imprisonments, heavy fines, and death. None but the greatest and most virtuous of men, were either able to investigate, or would dare to assert what belonged to the nature of man, and what was derived from the nature of society.

In America, every thing had assumed a different tendency and operation. The first settlers of the colonies, had suffered severely under the bigotry and intolerance of ecclesiastical power, in the days of Elizabeth, James, and Charles the first. They had not at first, any more knowledge of the rights of human nature than their neighbors, and they were as far from the spirit of candor and toleration. But when they were exposed to severe sufferings on account of their religion, they were placed in a situation, in which their feelings would perform for them, what their reason had not acquired sufficient force to effect. They felt, and of course saw, that there was no reason or righteousness in the punishments which were inflicted upon them, on account of their religion. In such a situation, truth occurred to them every moment; and their situation and sufferings effectually taught them what were the rights of men: They could at once discern and understand the voice of nature, which had no effect upon those in power, and probably would have had none upon them, had they been in the same state. With these views they came into America. Situation and employment immediately operated to enlarge and confirm the sentiments which their sufferings had first produced. The wilderness was to be cleared up, habitations were to be built, the means of living were to be procured: These occupations were so necessary, that they became unavoidable; and every man who did not mean to perish, was obliged to engage in them. This similarity of situation and employment, produced a similarity of state and condition; at that time unknown to the rest of the world: The effects of which the first settlers did not at all comprehend themselves. The greater part of them reverenced monarchy, as a sacred institution of heaven; but they felt at the same time that the honors and distinctions it produced, were of no avail to them. To be wise, strong, industrious, and healthy, to have rulers, judges, and generals, the distinctions which nature urged, they found to be of the highest importance. But to be called a duke, an earl, or a marquis, the distinctions, which society had set up against nature, they found could be of no importance to them, and denoted nothing valuable in themselves. Nothing was left for them but to pursue the line and course of nature, which was that of utility and safety. And this could produce nothing but similarity of situation, rights, privileges, and freedom. Every new settlement, was a confirmation of the same state of society; and notwithstanding the perpetual interference of royal authority, every thing operated to produce that natural, easy, independent situation, and spirit, in which the body of the people were found, when the American war came on. In such circumstances, the common farmer in America had a more comprehensive view of his rights and privileges, than the speculative philosopher of Europe, ever could have of the subject.* The one was in a situation, where the language, dictates, and designs of nature, were perpetually occurring to his views: The other was, in a situation, where every thing in society had deviated from nature; and with infinite labor and study, the first principles, must be deduced from theory and reasoning. Learning their principles from the state of society in America, Paine, and other writers upon American politics, met with amazing success: Not because they taught the people principles, which they did not before understand; but because they placed the principles which they had learned of them, in a very clear and striking light, on a most critical and important occasion.

WHEN the war came on, the leaders of mobs, and the mobs which they created, appeared in their true light: The former sunk into contempt, and the latter were soon suppressed. The enlightened, virtuous, substantial body of uncorrupted citizens, took up the business. Unacquainted with the state of society here, Europe saw with wonder, the spirit of freedom unconquerable in America: Rising, the more it suffered, the more superior to all the attempts of the wisest and most powerful nation of Europe. The ministers of Britain at that time, were men of great eminence and abilities, in managing business, upon the European system: But they had no ideas of the state of things in America, or of a system in which nature and society had combined to produce and to preserve freedom. What they called rebellion, was only the tendency of nature and society towards freedom, made more active, by their opposition. Mistaking the cause, they perpetually mistook in their measures: And what could not have happened from any other cause but total mistake, it was their singular ill fortune never to judge right, either through design, or by mistake. The result was the natural effect of things. It did not partake of the nature of miracles, of the extravagant spirit of chivalry, or of the madness of religious or political enthusiasm. It was nothing more than the natural effect, of natural causes. Freedom, for a century and an half, had been the constant product and effect, of the state of society in the British colonies: And when the decisive trial was to be made, this state of society produced its natural effect; a firm, steady, unabating, and unceasing contest, which could not admit of any other period, but the total destruction, or complete establishment of freedom.

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* Appendix, No. XII.

No other cause but that which first produced the freedom of America, will prove sufficient to support and preserve it. It is in the state of society that civil freedom has its origin, and support. The effect can never be more pure or perfect, than the causes from whence it arises; and all those causes terminate in the state and condition of the people. The form of government by which the public business is to be done, a bill of rights to ascertain the just claims of the people, a constitution to direct and restrain the legislature, a code of laws to guide and direct the executive authority, are matters of high importance to any people; and are justly esteemed among the wisest productions, of ancient or modern times. But no people ought to expect that any thing of this nature will avail to secure, or to perpetuate their liberties. Such things are consequences, not the causes; the evidences, not the origin of the liberties of the people. They derive their whole authority and force, from the public sentiment; and are of no further avail to secure the liberties of the people, than as they tend to express, to form, and to preserve the public opinion. If this alters and changes, any bill of rights, any constitution or form of government, and law, may easily be set aside, be changed, or be made of none effect. For it will never be dangerous for the government of any people, to make any alteration or changes, which the public opinion will either allow, justify, or support. Nor ought any people to expect, that their legislators or governors will be able to preserve their liberties, for a long period of time. Any body of men who enjoy the powers and profits of public employments, will unavoidably wish to have those profits and powers increased. The difficulties they will meet with in the execution of their office, the unreasonable opposition that will be made by many to their wisest and best measures, and the constant attempts to displace them, by those whose only aim and wish is to succeed them; such things, joined with a natural love of power and profit, will not fail to convince all men in public employments, that it would be best for the public to put more confidence and power in them. While they thus wish and aim to increase and add strength to their own powers and emoluments; those powers and emoluments will be called the powers and the dignity of government. It may be doubted whether men are much to blame, for wishing and aiming at that, which their situation and employment naturally leads to. The effect seems to be universal. It has ever been the case that government has had an universal tendency, to increase its own powers, revenues, and influence. No people ought to expect that things will have a different tendency among them: That men will cease to be men, or become a more pure and perfect order of beings, because they have the powers of government committed to them.

Upon what then can the people depend, for the support and preservation of their rights and freedom? Upon no beings or precautions under heaven, but themselves. The spirit of liberty is a living principle. It lives in the minds, principles, and sentiments of the people. It lives in their industry, virtue, and public sentiment: Or rather it is produced, preserved, and kept alive, by the state of society. If the body of the people shall lose their property, their knowledge, and their virtue, their greatest and most valuable blessings are lost at the same time. With the loss of these, public sentiment will be corrupted: With the corruption of the public sentiment, bills of rights, constitutions written upon paper, and all the volumes of written law, will lose their force, and utility: Their government will immediately begin to change: And when the people have themselves lost the cause, the principle, and the spirit of freedom, they will no longer be capable of a free government: They are better suited for the restraints of aristocracy, or what is far better, for the regulations of monarchy. The constitutions and the laws of such a people, will no more preserve their freedom, than the tombs and the coffins of Montesquieu and Franklin, will retain their abilities and virtues.

THERE is not any thing, which in its own nature is more variable, than the state of society. When the minds of men are roused up by great objects to great pursuits, and their ambition is guided by a sense of honor and virtue, a nation rises to the highest attainments, and to the most dignified appearance, that the human race ever assumes; but when little motives, influence little minds, to pursue little objects, by little measures, the event will be the *minimum*; the lowest state of depression, to which society can descend: And of both these states, every nation and every government is susceptible. Voltaire has somewhere said, that no one would suspect the Swedes in his day, were the same people that performed such exploits in the time of Charles the twelfth. We cannot expect that republican virtue and honor will ever arise to a more solid or brilliant appearance, than it put on, in the long and arduous struggle for American Independence; and in the duplicity, intolerance, avarice and insolence of party politicians, there is [1806] something extremely humbling, mortifying, and degrading. Let it be remembered, the American people are not corrupted, emaciated, or enervated; and whensoever the state of their country shall require it, they are capable of all the vigor, energy, hardihood, and virtue, that appeared in their fathers at any former period.

Ye people of the United States of America, behold here the precarious foundation upon which ye hold your liberties. They rest not upon things written upon paper, nor upon the virtues, the vices, or the designs of other men, but they depend upon yourselves; upon your maintaining your property, your knowledge, and your virtue. Nature and society have joined to produce, and to establish freedom in America. You are now in the full possession of all your natural and civil rights; under no restraints in acquiring knowledge, property, or the highest honors of your country; in the most rapid state of improvement, and population; with perfect freedom to make further improvements in your own condition. In this state of society, every thing is adapted to promote the prosperity, the importance, and the improvement of the body of the people. But nothing is so established among men, but that it may change and vary. If you should lose that spirit of industry, of economy, of knowledge, and of virtue, which led you to independence and to empire, then, but not until then, will you lose your freedom: Preserve your virtues, and your freedom will be perpetual!

APPENDIX.

No. I.

SPEECH of the Oneyda tribe, one of the ſix nations of confederate Indians, ſent to the New England provinces, June 19, 1775. Chap. II. p. 41.

“ BROTHERS ! We have heard of the unhappy differences, and great conteſts between you and old England. We wonder greatly, and are troubled in our minds.

Brothers ! Poſſeſs your minds in peace reſpecting us Indians. We cannot intermeddle in this diſpute between two brothers. The quarrel ſeems to be unnatural. You are *two brothers of one blood.* We are unwilling to join on either ſide in ſuch a conteſt, for we bear an equal affection to you both, Old and New England. Should the great king of England apply to us for aid, we ſhall deny him. If the colonies apply, we will refuſe. The preſent ſituation of you two brothers is new, and ſtrange to us. We Indians cannot find, nor recollect in the traditions of our anceſtors, the like caſe, or a ſimilar inſtance.

Brothers ! For theſe reaſons poſſeſs your minds in peace, and take no umbrage, that we Indians refuſe joining in the conteſt. We are for peace.

Brothers ! Was it an alien, a foreign nation who had ſtruck you, we ſhould look into the matter. We hope, through the wiſe government and good pleaſure of God, your diſtreſſes may be ſoon removed, and the dark clouds be diſperſed.

Brothers ! As we have declared for peace, we deſire you would not apply to our Indian brethren in New England for aſſiſtance. Let us Indians be all of one mind, and live with one another ; and you white people, ſettle your own diſputes betwixt yourſelves.

Brothers ! We have now declared our minds, pleaſe to write to us that we may know yours.”

Signed by thirteen of the Sachems and Warriors of the Oneyda nation. Dated from *Kononwarohare,* i. e. a head erected on a pole.*

No. II.

SPEECH of Lieutenant General Burgoyne to the Indians in Congreſs, at the Camp upon the River Boquet, June 21, 1777, *and their anſwer.* CHAP. IV. p. 98.

CHIEFS AND WARRIORS,

THE great king our common father, and the patron of all who ſeek and deſerve his protection, has conſidered with ſatisfaction the general conduct of the Indian tribes from the beginning of the troubles in America. Too ſagacious and too faithful to be deluded or corrupted, they have obſerved the violated rights of the parental power they love, and burned to vindicate them. A few individuals alone, the refuſe of a ſmall tribe, at the firſt were led aſtray; and the miſrepreſentations, the ſpecious allurements, the inſidious promiſes, and diverſified plots, in which the rebels are exerciſed, and all of which they employed for that effect have ſerved only in the end to enhance the honor of the tribes in general, by demonſtrating to the world how few and how contemptible are the apoſtates. It is a truth known to you all, that, theſe pitiful examples excepted, (and they probably have before this day hid their faces in ſhame) the collective voices and hands of the Indian tribes over this vaſt continent, are on the ſide of juſtice, of law, and of the king.

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* *Gordon. American War. Vol. I. p.* 360, 360.

The reſtraint you have put upon your reſentment in waiting the king, your father's call to arms, the hardeſt proof, I am perſuaded, to which your affection could have been put, is another manifeſt and affecting mark of your adherence to that principle of connection to which you were always fond to allude, and which it is mutually the joy and the duty of the parent to cheriſh.

The clemency of your father has been abuſed, the offers of his mercy have been deſpiſed, and his farther patience would, in his eyes, become culpable, in as much as it would withhold redreſs from the moſt grievous oppreſſions in the provinces that ever diſgraced the hiſtory of mankind. It therefore remains for me the general of one of his majeſty's armies, and in the council his repreſentative, to releaſe you from thoſe bonds your obedience impoſed. Warriors, you are free—go forth in the might of your valour and your cauſe—ſtrike at the common enemies of Great Britain and America, diſturbers of public order, peace, and happineſs, deſtroyers of commerce, parricides of the ſtate.

The circle round you, the Chiefs of his majeſty's European forces, and of the princes his allies, eſteem you as brothers in the war. Emulous in glory and in friendſhip, we will endeavor reciprocally to give and to receive examples; we know how to value, and we will ſtrive to imitate your perſeverance in enterprize, and your conſtancy to reſiſt hunger, wearineſs, and pain. Be it our taſk, from the dictates of our religion, the laws of our warfare, and the principles and intereſt of our policy, to regulate your paſſions when they overbear, to point out where it is nobler to ſpare than to revenge, to diſcriminate degrees of guilt, to ſuſpend the uplifted ſtroke, to chaſtiſe, and not to deſtroy.

This war to you, my friends, is new; upon all former occaſions, in taking the field you held yourſelves authoriſed to deſtroy wherever you came, becauſe every where you found an enemy. The caſe is now very different.

The king has many faithful ſubjects diſperſed in the provinces, conſequently you have many brothers there: and theſe people are the more to be pitied, that they are perſecuted, or impriſoned, wherever they are diſcovered or ſuſpected; and to diſſemble, is, to a generous mind, a yet more grievous puniſhment.

Perſuaded that your magnanimity of character, joined to your principles of affection to the king, will give me fuller controul over your minds than the military rank with which I am inveſted, I enjoin your moſt ſerious attention to the rules which I hereby proclaim for your invariable obſervation during the campaign.

I poſitively forbid bloodſhed, when you are not oppoſed in arms.

Aged men, women, children, and priſoners, muſt be held ſacred from the knife or hatchet, even in the time of actual conflict.

You ſhall receive compenſation for the priſoners you take; but you ſhall be called to account for ſcalps.

In conformity and indulgence to your cuſtoms, which have affixed an idea of honor to ſuch badges of victory, you ſhall be allowed to take the ſcalps of the dead, when killed by your fire, and in fair oppoſition; but on no account, or pretence, or ſubtlety, or prevarication, are they to be taken from the wounded, or even dying; and ſtill leſs pardonable, if poſſible, will it be held, to kill men in that condition, on purpoſe, and upon a ſuppoſition that this protection to the wounded would be thereby evaded.

Baſe lurking aſſaſſins, incendiaries, ravagers, and plunderers of the country, to whatever army they may belong, ſhall be treated with leſs reſerve; but the latitude muſt be given you by order, and I muſt be the judge of the occaſion.

Should the enemy on their part, dare to countenance acts of barbarity towards thoſe who may fall into their hands, it ſhall be your's alſo to retaliate; but till ſeverity ſhall be thus compelled, bear immoveable in your hearts this ſolid maxim, (it cannot be too deeply impreſſed) that the great eſſential reward worthy ſervice of your alliance, the ſincerity of your zeal to the king, your father and never failing protector, will be examined and judged upon the teſt only of your ſteady and uniform adherence to the orders and counſels of thoſe to whom his majeſty has entruſted the direction and the honor of his arms.

Anſwer from an old Chief of the Iroquois.

I ſtand up, in the name of all the nations preſent, to aſſure our father, that we have attentively liſtened to his diſcourſe. We receive you as our father, becauſe when you ſpeak, we hear the voice of our great father beyond the great lake.

With one common aſſent, we promiſe a conſtant obedience to all you have ordered, and all you ſhall order; and may the father of days give you many and ſucceſs!

We rejoice in the approbation you have expreſſed of our behavior.

We have been tried and tempted by the Boſtonians; but we have loved our father, and our hatchets have been ſharpened upon our affections.

In proof of the ſincerity of our profeſſions, our whole villages, able to go to war, are come forth. The old and infirm, our infants and our wives, alone, remain at home.

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No. III.

A PROCLAMATION.

“*BY John Burgoyne, Eſq. Lieutenant General of his Majeſty's armies in America, Colonel of the Queen's regiment of light dragoons, Governor of fort William in North Britain, one of the Repreſentatives of the Commons of Great Britain in Parliament, and commanding an army and fleet employed on an expedition from Canada, &c. &c. &c.* Chap. IV. p. 100.

“THE forces entruſted to my command are deſigned to act in concert and upon a common principle, with the numerous armies and fleets which already diſplay in every quarter of America, the power, the juſtice, and, when properly ſought, the mercy of the king.

“The cauſe, in which the Britiſh arms are thus exerted, applies to the moſt affecting intereſts of the human heart; and the military ſervants of the crown, at firſt called forth for the ſole purpoſe of reſtoring the rights of the conſtitution, now combine with love of their country, and duty to their ſovereign, the other extenſive incitements which ſpring from a due ſenſe of the general privileges of mankind. To the eyes and ears of the temperate part of the public, and to the breaſts of ſuffering thouſands in the provinces, be the melancholy appeal, whether the preſent unnatural rebellion has not been made a foundation for the completeſt ſyſtem of tyranny that ever God, in his diſpleaſure, ſuffered for a time to be exerciſed over a froward and ſtubborn generation.

" Arbitrary impriſonment, confiſcation of property, perſecution and torture, unprecedented in the inquiſitions of the Romiſh church, are among the palpable enormities that verify the affirmative. Theſe are inflicted by aſſemblies and committees, who dare to profeſs themſelves friends to liberty, upon the moſt quiet ſubjects, without diſtinction of age or ſex, for the ſole crime, often for the ſole ſuſpicion, of having adhered in principle to the government under which they were born, and to which, by every tie, divine and human, they owe allegiance. To conſummate theſe ſhocking proceedings, the profanation of religion is added to the moſt profligate proſtitution of common reaſon; the conſciences of men are ſet at naught; and multitudes are compelled not only to bear arms, but alſo to ſwear ſubjection to an uſurpation they abhor.

" Animated by theſe conſiderations; at the head of troops in the full powers of health, diſcipline, and valor; determined to ſtrike where neceſſary, and anxious to ſpare where poſſible, I by theſe preſents invite and exhort all perſons, in all places where the progreſs of this army may point, and by the bleſſing of God I will extend it far, to maintain ſuch a conduct as may juſtify me in protecting their lands, habitations and families. The intention of this addreſs is to hold forth ſecurity, not depredation to the country. To thoſe whom ſpirit and principle may induce to partake of the glorious taſk of redeeming their countrymen from dungeons, and re-eſtabliſhing the bleſſings of legal government, I offer encouragement and employment; and upon the firſt intelligence of their aſſociations, I will find means to aſſiſt their undertakings. The domeſtic, the induſtrious, the infirm, and even the timid inhabitants, I am deſirous to protect, provided they remain quietly at their houſes; that they do not ſuffer their cattle to be removed, nor their corn or forage to be ſecreted or deſtroyed; that they do not break up their bridges or roads; nor by any other act, directly or indirectly, endeavor to obſtruct the operations of the king's troops, or ſupply or aſſiſt thoſe of the enemy. Every ſpecies of proviſion brought to my camp, will be paid for at an equitable rate, and in ſolid coin.

" In conſciouſneſs of chriſtianity, my royal maſter's clemency, and the honor of ſoldierſhip, I have dwelt upon this invitation, and wiſhed for more perſuaſive terms to give it impreſſion: And let not people be led to diſregard it, by conſidering their diſtance from the immediate ſituation of my camp. I have but to give ſtretch to the Indian forces under my direction, and they amount to thouſands, to overtake the hardened enemies of G. Britain and America: I conſider them the ſame wherever they may lurk.

" If, notwithſtanding theſe endeavors, and ſincere inclinations to effect them, the phrenzy of hoſtility ſhould remain, I truſt I ſhall ſtand acquitted in the eyes of God and men, in denouncing and executing the vengeance of the ſtate againſt the wilful outcaſts. The meſſengers of juſtice and of wrath await them in the field; and devaſtation, famine, and every concomitant horror that a reluctant but indiſpenſible proſecution of military duty muſt occaſion, will bar the way to their return. J. BURGOYNE.

" By order of his excellency the Lieut. General,

ROBT. KINGSTON, *Secretary.*

" Camp near Ticonderoga, 4th July, 1777."

No. IV.

*Addreſs to General Burgoyne.** Chap. IV. p. 100.

TO John Burgoyne, Eſq. Lieutenant General of his majeſty's armies in America, Colonel of the Queen's regiment of light dragoons, governor of fort William in North Britain, one of the repreſentatives of the Commons of Great Britain, and commanding an army and fleet employed on an expedition from Canada, &c. &c. &c.

Moſt high, moſt mighty, moſt puiſſant, and ſublime General!

When the forces under your command arrived at Quebec in order *to act in concert and upon a common principle with the numerous fleets and armies which already diſplay in every quarter of America, the juſtice and mercy of your king*, we the reptiles of America, were ſtruck with unuſual trepidation and aſtoniſhment. But what words can expreſs the plenitude of our horror, when the *colonel of the Queen's regiment of light dragoons*, advanced towards Ticonderoga. The mountains ſhook before thee, and the trees of the foreſt bowed their lofty heads; the vaſt lakes of the north were chilled at thy preſence, and the mighty cataracts ſtopped their tremendous career, and were ſuſpended in awe at thy approach. Judge, then, *oh ineffable governor of Fort William in North Britain*, what muſt have been the terror, diſmay, and deſpair, that overſpread this paltry continent of *America*, and us its wretched inhabitants. Dark and dreary, indeed, was the proſpect before us, till like the ſun in the horizon, your moſt gracious, ſublime, and irreſiſtable proclamation opened the doors of mercy, and ſnatched us, as it were, from the jaws of annihilation.

We fooliſhly thought, blind as we were, that your gracious maſter's fleets and armies were come to deſtroy us and our liberties; but we are happy in hearing from you (and who can doubt what you aſſert?) that they were *called forth for the ſole purpoſe of reſtoring the rights of the conſtitution to a froward and ſtubborn generation.*

And is it for this, oh ſublime *lieutenant general*, that you have given yourſelf the trouble to croſs the wide Atlantic, and with incredible fatigue traverſe uncultivated wilds? And we ungratefully refuſe the proffered bleſſing?—To reſtore the rights of the conſtitution, you have called together an amiable hoſt of ſavages, and turned them looſe to ſcalp our women and children, and lay our country waſte. This they have performed with their uſual ſkill and clemency, and yet we remain inſenſible of the benefit, and unthankful for ſo much goodneſs.

Our Congreſs have declared independence, and our aſſemblies, as your highneſs juſtly obſerves, have moſt *wickedly* impriſoned the avowed friends of that power with which they are at war, and moſt *profanely* compelled thoſe, whoſe conſciences will not permit them to fight, to pay ſome ſmall part towards the expences their country is at, in ſupporting what is called a neceſſary, defenſive war. If we go on thus in our obſtinacy and ingratitude, what can we expect, but that you ſhould, in your anger, *give a ſtretch to the Indian forces under your direction, amounting to thouſands, to overtake and deſtroy us?* Or, which is ten times worſe, that you ſhould withdraw your fleets and armies, and leave us to our own miſery, without compleating the benevolent taſk you have begun, *of reſtoring to us the rights of the conſtitution?*

We ſubmit, we ſubmit, moſt puiſſant *colonel of the Queen's regiment of light dragoons, and governor of fort William in North Britain!* We offer our heads to the ſcalping knife, and our bellies to the bayonet. Who can reſiſt the force of your eloquence? Who can withſtand the terror of your arms? The invitation you have made, in the *conſciouſneſs of chriſtianity, your royal maſter's clemency, and the honor of ſoldierſhip*, we thankfully accept. The blood of the ſlain, the cries of injured virgins and innocent children, and the never ceaſing ſighs and groans of ſtarving wretches, now languiſhing in the jails and priſon ſhips of New York, call on us in vain, whilſt your ſublime proclamation is ſounded in our ears. Forgive us, oh our country! Forgive us, dear poſterity! Forgive us, all ye foreign powers, who are anxiouſly watching our conduct in this important ſtruggle, if we yield implicitly to the perſuaſive tongue of the moſt elegant *colonel of her majeſty's regiment of light dragoons.*

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* *Written by a young officer, and deſigned for the ſoldiers in the American army.*

Forbear then, thou magnanimous *lieutenant general!* Forbear to denounce vengeance againſt us. Forbear to *give a ſtretch to thoſe reſtorers of conſtitutional right*, the *Indian forces under your direction.* Let not *the meſſengers of juſtice and wrath await us in the field, and devaſtation, famine, and every concomitant horror*, bar our return to the allegiance of a prince, who by his royal will, would deprive us of every bleſſing of life, with all poſſible clemency.

We are *domeſtic*, we are *induſtrious*, we are *infirm and timid;* we ſhall *remain quietly at home, and not remove our cattle, our corn, or forage*, in hopes you will come, at the *head of troops, in the full powers of health, diſcipline, and valor*, and take charge of them for yourſelves. Behold our wives and daughters, our flocks and herds, our goods and chattels, are they not at the mercy of our lord the king, and of his *lieutenant general, member of the houſe of commons, and governor of Fort William in North Britain?*

A. B.
C. D.
E. F. &c. &c. &c.

Saratoga, 10th July, 1777.

No. V.

Lord Chatham's Speech on the Indian war and barbarity. Chap. IV. p. 134.

IN the time of the American war, it was the practice with the Britiſh miniſters and their adherents, in their ſpeeches in the Britiſh parliament, to avow and juſtify their meaſures of employing the Indians to carry the horrors and barbarities of their ſavage wars, into the American frontiers and plantations. It was ſaid to be right, wiſe, and eventually a meaſure of *mercy and clemency;* as it would ſoon put an end to the rebellion, and of courſe to the neceſſity of any further war and deſtruction, by reducing the colonies to a ſtate of obedience and ſubjection to the Britiſh king and nation. Among others, lord Suffolk, ſecretary of ſtate, highly commended the meaſure, and obſerved, "Beſides its policy and neceſſity, the meaſure was alſo allowable on principle, for that it was perfectly juſtifiable to uſe all the means that God and nature had put into our hands."

On this occaſion, the venerable old patriot lord Chatham, by whoſe adminiſtration Canada had been conquered, and an end put to the Indian ravages and ſlaughter, roſe, and ſpoke; "I am aſtoniſhed, ſhocked to hear ſuch principles confeſſed; to hear them avowed in this houſe or even in this country. My lords, I did not intend to have encroached again on your attention, but I cannot repreſs my indignation. I feel myſelf impelled to ſpeak. My lords, we are called upon as members of this houſe, as men, as chriſtians, to proteſt againſt ſuch horrible barbarity. "That God and nature had put into our hands!" What ideas of God and nature that noble lord may entertain I know not, but I know that ſuch deteſtable principles are equally abhorrent to religion and humanity. What, to attribute the ſacred ſanction of God and nature to the maſſacres of the Indian ſcalping knife! to the cannibal ſavage, torturing, murdering, devouring, drinking the blood of his mangled victims! Such notions ſhock every precept of morality, every feeling of humanity, every ſentiment of honor. Theſe abominable principles, and this more abominable avowal of them, demand the moſt deciſive indignation. I call upon that right reverend, and this moſt learned bench, to vindicate the religion of their God, to ſupport the juſtice of their country. I call upon the biſhops to interpoſe the unſullied ſanctity of their lawn, upon the judges to interpoſe the purity of their ermine, to ſave us from this pollution. I call upon the honor of your lordſhips, to reverence the dignity of your anceſtors, and to maintain your own. I call upon the ſpirit and humanity of my country, to vindicate the national character. I invoke the genius of the conſtitution. From the tapeſtry that adorns theſe walls, the immortal anceſtor of this noble lord, frowns with indignation at the diſgrace of his country. In vain did he defend the liberty, and eſtabliſh the religion of Britain againſt the tyranny of Rome, if theſe worſe than popiſh cruelties and inquiſitional practices are endured among us. To ſend forth the mercileſs cannibal thirſting for blood! againſt whom? Your proteſtant brethren; to lay waſte their country, to deſolate their dwellings, to extirpate their race and name, by the aid and inſtrumentality of theſe horrible hell-hounds of war! Spain can no longer boaſt pre-eminence of barbarity. She armed herſelf with blood hounds to extirpate the wretched natives of Mexico, but we more ruthleſs, looſe theſe dogs of war againſt our countrymen in America, endeared to us by every tie that ſhould ſanctify humanity. My lords, I ſolemnly call upon your lordſhips, and upon every order of men in the ſtate, to ſtamp upon this infamous proceedure the indelible ſtigma of public abhorrence. More particularly I call upon the holy prelates of our religion to do away this iniquity; let them perform a luſtration to purify their couutry from this deep and deadly ſin. My lords, I am old and weak, and at preſent unable to ſay more, but my feelings and indignation were too ſtrong to have ſaid leſs. I could not have ſlept this night in my bed, nor repoſed my head upon my pillow, without giving this vent to my eternal abhorrence of ſuch enormous and prepoſterous principles."*

No. VI.

A convention between lieutenant general Burgoyne and major general Gates.

Chap. IV. p. 157.

I. The troops under lieutenant general Burgoyne, to march out of their camp with the honors of war, and the artillery of the entrenchments to the verge of the river, where the old fort ſtood, where the arms and artillery are to be left; the arms to be piled by word of command from their own officers.

II. A free paſſage to be granted to the army under lieutenant general

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* *Belſham's life of Chatham.*

Burgoyne, to Great Britain, upon condition of not ſerving again in North America during the preſent conteſt; and the port of Boſton to be aſſigned for the entry of tranſports to receive the troops, whenever general Howe ſhall ſo order.

III. Should any cartel take place by which the army under lieutenant general Burgoyne, or any part of it, may be exchanged, the foregoing article to be void, as far as ſuch exchange ſhall be made.

IV. The army under lieutenant general Burgoyne is to march to Maſſachuſetts Bay by the eaſieſt and moſt expeditious and convenient route; and to be quartered in, near, or as convenient as poſſible to Boſton, that the march of the troops may not be delayed when tranſports arrive to receive them.

V. The troops to be ſupplied on their march, and during their being in quarters, with proviſions by major general Gates' orders, at the ſame rate of rations as the troops of his own army; and if poſſible, the officers' horſes and cattle are to be ſupplied with forage at the uſual rates.

VI. All officers to retain their carriages, bat horſes, and other cattle; and no baggage to be moleſted or ſearched, lieutenant general Burgoyne giving his honor, that there are no public ſtores contained therein, major general Gates will of courſe take the neceſſary meaſures for the due performance of this article. Should any carriages be wanted, during the march for the tranſportation of officers' baggage, they are, if poſſible, to be ſupplied by the country at the uſual rates.

VII. Upon the march and during the time the army ſhall remain in quarters in the Maſſachuſetts Bay, the officers are not, as far as circumſtances will admit, to be ſeparated from their men. The officers are to be quartered according to their rank, and are not to be hindered from aſſembling their men for roll callings and other neceſſary purpoſes of regularity.

VIII. All corps whatever of lieutenant general Burgoyne's army, whether compoſed of ſailors, batteaux men, artificers, drivers, independent companies, and followers of the army, of whatever country, ſhall be included in the fulleſt ſenſe, and utmoſt extent of the above articles, and comprehended in every reſpect as Britiſh ſubjects.

IX. All Canadians, and perſons belonging to the Canadian eſtabliſhment, conſiſting of ſailors, batteaux men, artificers, drivers, independent companies, and many other followers of the army, who come under no particular deſcription, are to be permitted to return there; they are to be conducted immediately, by the ſhorteſt route, to the firſt Britiſh poſt on Lake George, are to be ſupplied with proviſions in the ſame manner as the other troops, and to be bound by the ſame condition of not ſerving during the preſent conteſt in North America.

X. Paſſports to be immediately granted for three officers, not exceeding the rank of captains, who ſhall be appointed, by lieutenant general Burgoyne, to carry diſpatches to ſir William Howe, ſir Guy Carleton, and to Great Britain by way of New York; and major general Gates engages the public faith, that theſe diſpatches ſhall not be opened. Theſe officers are to ſet out immediately after receiving their diſpatches, and are to travel by the ſhorteſt route, and in the moſt expeditious manner.

XI. During the ſtay of the troops in the Maſſachuſetts Bay, the officers are to be admitted on parole, and are to be permitted to wear their ſide arms.

XII. Should the army under lieutenant general Burgoyne find it neceſſary, to ſend for their clothing and other baggage from Canada, they are to be permitted to do it in the moſt convenient manner, and neceſſary paſſports to be granted for that purpoſe.

XIII. Theſe articles are to be mutually ſigned and exchanged to morrow morning at nine o'clock; and the troops under lieutenant general Burgoyne are to march out of their entrenchments at three o'clock in the afternoon.

Camp at Saratoga, October 16, 1777.

HORATIO GATES, *Major General.*

To prevent any doubts that might ariſe from lieutenant gen. Burgoyne's name not being mentioned in the above treaty, major general Gates hereby declares, that he is underſtood to be comprehended in it, as fully as if his name had been ſpecially mentioned.

HORATIO GATES.

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No. VII.

Hiſtorical Memoirs of Colonel SETH *WARNER.* Chap. IV. p. 159,

AMONG the perſons who have performed important ſervices to the State of Vermont, colonel Seth Warner deſerves to be remembered with reſpect. He was born at Woodbury, in the colony of Connecticut, about the year 1744, of honeſt and reſpectable parents. Without any other advantages for an education than what were to be found in the common ſchools of the town, he was early diſtinguiſhed by the ſolidity and extent of his underſtanding. About the year 1763, his parents purchaſed a tract of land in Bennington, and ſoon after removed to that town with their family. In the uncultivated ſtate of the country, in the fiſh, with which the rivers and ponds were furniſhed, and in the game, with which the woods abounded, young Warner found a variety of objects ſuited to his favorite inclinations and purſuits; and he ſoon became diſtinguiſhed as a fortunate and indefatigable hunter.

His father, captain Benjamin Warner, had a ſtrong inclination to medicinal inquiries and purſuits; and agreeably to the ſtate of things in new ſettlements, had to look for many of his medicines in the natural virtues of the plants and roots, that were indigenous to the country. His ſon Seth frequently attended him in theſe botanical excurſions, contracted ſomething of his father's taſte for the buſineſs, and acquired more information of the nature and properties of the indigenous plants and vegetables, than any other man in the country. By this kind of knowledge he became uſeful to the families in the new ſettlements, and adminiſtered relief in many caſes, where no other medical aſſiſtance could at that time be procured. By ſuch viſits and practice, he became known to moſt of the families on the weſt ſide of the Green Mountains; and was generally eſteemed by them a man highly uſeful, both on account of his information and humanity.

About the year 1763 a ſcene began to open, which gave a new turn to his active and enterpriſing ſpirit. The lands on which the ſettlements were made, had been granted by the governors of New Hampſhire. The government of New York claimed juriſdiction to the eaſtward as far as Connecticut river; denied the authority of the governor of New Hampſhire to make any grants to the weſt of Connecticut river; and announced to the inhabitants, that they were within the territory of New York, and had no legal title to the lands on which they had ſettled. The controverſy became very ſerious between the two governments: And after ſome years ſpent in altercation, New York procured a deciſion of George III. in their favor. This order was dated July 20, 1764, and declared, "the weſtern banks of the river Connecticut, from where it enters the province of Maſſachuſetts Bay, as far north as the 45th degree of northern latitude, to be the boundary line between the ſaid two provinces of New Hampſhire and New York." No ſooner was this decree procured, than the governor of New York proceeded to make new grants of the lands, which the ſettlers had before fairly bought of the crown, and which had been chartered to them in the king's name and authority by the royal governor of New Hampſhire. All became a ſcene of diſorder and danger. The new patentees under New York brought actions of ejectment againſt the ſettlers: The deciſions of the courts at Albany were always in favor of the New York patentees; and nothing remained for the inhabitants but to buy their lands over again, or to give up the labors and earnings of their whole lives to the new claimers under titles from New York.

In this ſcene of oppreſſion and diſtreſs, the ſettlers diſcovered the firm and vigorous ſpirit of manhood. All that was left to them, was either to yield up their whole property to a ſet of unfeeling land-jobbers, or to defend themſelves and property by force. They wiſely and virtuouſly choſe the latter; and by a kind of common conſent, Ethan Allen and Seth Warner became their leaders. No man's abilities and talents could have been better ſuited to this buſineſs than Warner's. When the authority of New York proceeded with an armed force to attempt to execute their laws, Warner met them with a body of Green Mountain Boys, properly armed, full of reſolution, and ſo formidable in numbers and courage, that the governor of New York was obliged to give up this method of proceeding. When the ſheriff came to extend his executions, and eject the ſettlers from their farms, Warner would not ſuffer him to proceed. Spies were employed to procure intelligence, and promote diviſion among the people: When any of them were taken, Warner cauſed them to be tried by ſome of the moſt diſcreet of the people; and if declared guilty, to be tied to a tree and whipped. An officer came to take Warner by force; he conſidered it as an affair of open hoſtility; engaged, wounded, and diſarmed the officer; but, with the honor and ſpirit of a ſoldier, ſpared the life of the enemy he had ſubdued. Theſe ſervices appeared in a very different light to the ſettlers, and to the government of New York: The firſt conſidered him as an eminent patriot and hero; to the other he appeared as the firſt of villains and rebels. To put an end to all further exertions, and to bring him to an exemplary puniſhment, the government of New York, on March 9th, 1774, paſſed an act of outlawry againſt him; and a proclamation was iſſued by W. Tryon, governor of New York, offering a reward of fifty pounds to any perſon who ſhould apprehend him. Theſe proceedings of New York were beheld by him with contempt; and they had no other effect upon the ſettlers, than to unite them more firmly in their oppoſition to that government, and in their attachment to their own patriotic leader thus wantonly proſcribed.

In ſervices of ſo dangerous and important a nature, Warner was engaged from the year 1765, to 1775. That year a ſcene of the higheſt magnitude and conſequence opened upon the world: On the 19th of April, the American war was begun by the Britiſh troops at Lexington. Happily for the country it was commenced with ſuch circumſtances of inſolence and cruelty, as left no room for the people of America to doubt what was the courſe which they ought to purſue. The time was come, in which total ſubjection, or the horrors of war, muſt take place. All America preferred the latter; and the people of the New Hampſhire grants immediately undertook to ſecure the Britiſh forts at Ticonderoga and Crown Point

Allen and Warner immediately engaged in the buſineſs. Allen took the command, and Warner raiſed a body of excellent troops in the vicinity of Bennington, and both marched againſt Ticonderoga. They ſurpriſed and took that fortreſs on the morning of the tenth of May; and Warner was ſent the ſame day with a detachment of the troops to ſecure Crown Point. He effected the buſineſs, and ſecured the garriſon, with all the warlike ſtores, for the uſe of the continent.

The ſame year Warner received a commiſſion from Congreſs to raiſe a regiment, to aſſiſt in the reduction of Canada. He engaged in the buſineſs with his uſual ſpirit of activity; raiſed his regiment chiefly among his old acquaintance and friends, the Green Mountain Boys, and joined the army under the command of general Montgomery. The honorable Samuel Safford of Bennington, was his lieutenant colonel. Their regiment conducted with great ſpirit, and acquired high applauſe, in the action at Longuiel, in which the troops deſigned for the relief of St. Johns were totally defeated and diſperſed, chiefly by the troops under the command of colonel Warner. The campaign ended about the 20th of November, in the courſe of which Ticonderoga, Crown Point, Chamblee, St. Johns, Montreal, and a fleet of eleven ſail of veſſels had been captured by the American arms. No man in this campaign had acted with more ſpirit and enterpriſe than Col. Warner. The weather was now become ſevere, and Warner's men were too miſerably clothed to bear a winter's campaign in the ſevere climate of Canada. They were accordingly diſcharged by Montgomery with particular marks of his reſpect, and the moſt affectionate thanks for their meritorious ſervices.

Warner returned with his men to the New Hampſhire grants, but his mind was more than ever engaged in the cauſe of his country. Montgomery, with a part of his army, preſſed on to Quebec, and on December 31ſt was ſlain in an attempt to carry the city by ſtorm. This event gave an alarm to all the northern part of the colonies; and it became neceſſary to raiſe a reinforcement to march to Quebec in the midſt of winter. The diſficulty of the buſineſs ſuited the genius and ardor of Warner's mind. He was at Woodbury in Connecticut when he heard the news of Montgomery's defeat and death; he inſtantly repaired to Bennington, raiſed a body of men, and marched in the midſt of winter to join the American troops at Quebec. The campaign during the winter proved extremely diſtreſſing to the Americans: In want of comfortable clothing, barracks, and proviſion, moſt of them were taken by the ſmall pox, and ſeveral died. At the opening of the ſpring in May 1776, a large body of Britiſh troops arrived at Quebec to relieve the garriſon. The American troops were forced to abandon the blockade with circumſtances of great diſtreſs and confuſion. Warner choſe the moſt difficult part of the buſineſs, remaining always with the rear, picking up the lame and diſeaſed, aſſiſting and encouraging thoſe who were the moſt unable to take care of themſelves, and generally kept but a few miles in advance of the Britiſh, who were rapidly purſuing the retreating Americans from poſt to poſt. By ſteadily purſuing this conduct he brought off moſt of the invalids; and with this corps of the infirm and diſeaſed he arrived at Ticonderoga, a few days after the body of the army had taken poſſeſſion of that poſt.

Highly approving his extraordinary exertions, the American Congreſs on July 5, 1776, the day after they had declared Independence, reſolved to raiſe a regiment out of the troops which had ſerved with reputation in Canada. Warner was appointed colonel, Safford lieutenant-colonel of this regiment; and moſt of the other officers were perſons who had been diſtinguiſhed by their oppoſition to the claims and proceedings of

New York. By this appointment he was again placed in a ſituation perfectly agreeable to his inclination and genius; and in conformity to his orders he repaired to Ticonderoga, where he remained till the cloſe of the campaign.

On January 16, 1777, the convention of the New Hampſhire grants declared the whole diſtrict to be a ſovereign and independent ſtate, to be known and diſtinguiſhed ever after by the name of Vermont. The committee of ſafety in New York were then ſitting, and on January 20th they announced the tranſaction to Congreſs, complaining in high terms of the conduct of Vermont, cenſuring it as a dangerous revolt and oppoſition to lawful authority; and at the ſame time remonſtrating againſt the proceedings of Congreſs in appointing Warner to the command of a regiment independent of the legiſlature, and within the bounds of that ſtate; 'eſpecially, ſaid they, as this colonel Warner hath been conſtantly and invariably oppoſed to the legiſlature of this ſtate, and hath been, on that account, proclaimed an outlaw by the late government thereof. It is abſolutely neceſſary to recall the commiſſions given to colonel Warner and the officers under him, as nothing elſe will do us juſtice.'* No meaſures were taken by Congreſs at that time, either to interfere in the civil conteſts between the two ſtates, or to remove the colonel from his command. Anxious to effect this purpoſe, the convention of New York wrote further on the ſubject on March 1ſt, and among other things declare, 'that there was not the leaſt probability that colonel Warner could raiſe ſuch a number of men as would be an object of public concern.'† Congreſs ſtill declined to diſmiſs ſo valuable an officer from their ſervice. On June 23d Congreſs was obliged to take up the controverſy between New York and Vermont; but inſtead of proceeding to diſband the colonel's regiment, on June 30th, they reſolved, 'that the reaſon which induced Congreſs to form that corps, was, that many officers of different ſtates who had ſerved in Canada, and alledged that they could ſoon raiſe a regiment, but were then unprovided for, might be reinſtated in the ſervice of the United States.'‡ Nothing can give us a more juſt idea of the ſentiments which the American Congreſs entertained of the patriotic and military virtues of the colonel, than their refuſing to give him up to the repeated ſolicitations and demands of ſo reſpectable and powerful a ſtate, as that of New York.

The American army ſtationed at Ticonderoga were forced to abandon that fortreſs on July 6, 1777, in a very precipitate and irregular manner. The colonel with his regiment retreated along the weſtern part of Vermont, through the towns of Orwell, Sudbury, and Hubbardton. At the laſt of theſe towns, the advanced corps of the Britiſh army overtook the rear of the American troops on the morning of the 7th of July. The American army, all but part of three regiments, were gone forward; theſe were part of Hale's, Francis's, and Warner's regiments. The enemy attacked them with ſuperior numbers, and the higheſt proſpect of ſucceſs. Francis and Warner oppoſed them with great ſpirit and vigor; and no officers or troops could have diſcovered more courage and firmneſs than they diſplayed through the whole action. Large reinforcements of the enemy arriving it became impoſſible to make any effectual oppoſition. Francis fell in a moſt honorable diſcharge of his duty. Hale ſurrendered with his regiment. Surrounded on every ſide by the enemy, but calm and undaunted, colonel Warner fought his way through all oppoſition, brought off the troops that refuſed to capitulate with Hale, checked the enemy in their purſuit, and, contrary to all expectation, arrived ſafe with his troops at Mancheſter. To the northward of that town the whole country was deſerted: The colonel determined to make a ſtand at that place; encouraged by his example and firmneſs, a body of the militia ſoon joined him; and he was once more, in a ſituation to protect the inhabitants, harraſs the enemy, and break up the advanced parties.

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* *A. Ten Brock's letter to Congreſs, Jan.* 20, 1777.

† *Letter of March* 1.

‡ *Journals of Congreſs, June* 30, 1777.

On the 16th of Auguſt, the vicinity of Bennington became the ſeat of a memorable battle. Col. Baum had been diſpatched by general Burgoyne to attack the American troops and deſtroy the magazines at Bennington. General Starks, who commanded at that place, had intelligence of the approach of the enemy; and ſent orders on the morning of the 16th to col. Warner at Mancheſter, to march immediately to his aſſiſtance. In the mean time Starks with the troops which were aſſembled at Bennington, had attacked the enemy under colonel Baum, and, after a ſevere action, had captured the whole body. Juſt as the action was finiſhed, intelligence was received that a large reinforcement of the enemy had arrived. Fatigued and exhauſted by ſo long and ſevere an action, Starks was doubtful whether it was poſſible for his troops to enter immediately upon another battle with a freſh body of the enemy. At that critical moment Warner arrived with his troops from Mancheſter. Mortified that he had not been in the action, and determined to have ſome part in the glory of the day, he urged Starks immediately to commence another action. Starks conſented; and the colonel inſtantly led on his men to battle.—The Americans rallied from every part of the field, and the ſecond action became as fierce and deciſive as the firſt. The enemy gave way in every direction; great numbers of them were ſlain, and the reſt ſaved themſelves altogether by the darkneſs of the night. Starks aſcribed the laſt victory very much to colonels Warner and Herrick; and ſpoke in the higheſt terms of their ſuperior information and activity, as that to which he principally owed his ſucceſs. The ſucceſs at Bennington gave a deciſive turn to the affairs of that campaign. Starks, Warner and the other officers, with their troops, joined the army under general Gates: Victory every where followed the attempts of the northern army; and the campaign terminated in the ſurrender of Burgoyne and his whole army, at Saratoga, on Oct. 17, 1777.

The conteſt in the northern department being in a great meaſure decided by the capture of Burgoyne, Warner had no further opportunity to diſcover his proweſs in defence of his beloved ſtate; but ſerved occaſionally at different places on Hudſon's river, as the circumſtances of the war required, and always with reputation. Deſpairing of ſucceſs in the northern parts, the enemy carried the war into the ſouthern ſtates; and neither New York or Vermont any longer remained the places of diſtinguiſhed enterprize. But ſuch had been the fatigues and exertions of the colonel, that when he returned to his family in Bennington, his conſtitution, naturally firm and vigorous, appeared to be worn down; and nature declined under a complication of diſorders, occaſioned by the exceſſive labors and ſufferings he had paſſed through.

Moſt of thoſe men who have been engaged with uncommon ardor in the cauſe of their country, have been ſo ſwallowed up with the patriotic paſſion, as to neglect that attention to their private intereſt which other men purſue as the ruling paſſion. Thus it proved with colonel Warner: Intent at firſt upon ſaving a ſtate, and afterwards upon ſaving a country, his mind was ſo entirely engaged in thoſe purſuits, that he had not made that proviſion for his family, which to moſt of the politicians and land-jobbers was the ultimate end of all their meaſures and exertions. With a view the better to ſupport his family he removed to Woodbury; where in the year 1785, he ended an active and uſeful life in high eſtimation among his friends and countrymen.

His family had derived little or no eſtate from his ſervices. After his death they applied to the general aſſembly of Vermont for a grant of land. The aſſembly, with a ſpirit of juſtice and generoſity, remembered the ſervices of colonel Warner, took up the petition, and granted a valuable tract of land to his widow and family: A meaſure highly honorable to the memory of colonel Warner, and of that aſſembly.

No. VIII.

Proceedings of the Convention that declared the Independence of Vermont. Chapter V. p. 169.

New Hampſhire Grants, } January 15th, 1777.
Weſtminſter Court houſe.

Convention opened according to adjournment. Preſent the following members:

Captain JOSEPH BOWKER, in the Chair.
1ſt. Voted Doctor REUBEN JONES, Clerk Pro Tempore.

Bennington,	Nathaniel Clark, Eſq.
	Captain John Burnham,
	Mr. Nathan Clark, Jun.
Mancheſter,	Lieut. Martin Powell,
Caſtleton,	Captain John Hall,
Williſton,	Col. Thomas Chittenden,
Colcheſter,	Captain Ira Allen,
Rutland,	Captain Joſeph Bowker,
	Captain Heman Allen,
Dummerſton,	Lieut. Leonard Spalding,
	Lieut. Dennis Lockland,
Weſtminſter,	Nathaniel Robinſon, Eſq.
	Mr. Joſhua Webb,
Townſhend,	Captain Samuel Fletcher,
Cheſter,	Col. Thomas Chandler,
Rockingham,	Doctor Reuben Jones,
	Lieut. Moſes Right
Windſor,	Mr. Ebenezer Hoſington,
Hartford,	Mr. Stephen Tilden,
Woodſtock,	Mr. Benjamin Emmonds,
Norwich,	Major Thomas Moredock,
	Mr. Jacob Burton,
Pomfret,	By a letter from ſaid town, voting for a new ſtate.
Barnard,	By ditto and ditto.
Royalton,	By ditto and ditto.

2d. Voted to adjourn this convention to eight o'clock to morrow morning, at this place.

Thurſday eight o'clock, convention opened according to adjournment. Major Joſeph Williams, and lieutenant Nathaniel Selley, from Pownal, took their ſeats.

3d. Voted, That Doct. Reuben Jones, be an aſſiſtant clerk to Capt. Ira Allen, at this time being preſent.

4th. Voted, That Lieut. Leonard Spalding, Mr. Ebenezer Hoſington, and major Thomas Moredock, be a committee to examine into the numbers that have voted for the diſtrict of the New Hampſhire Grants to be a ſeparate ſtate from New York, and how many are known to be againſt it; and make report to this convention as ſoon as may be.

Report of ſaid committee:—"We find by examination, that more than three fourths of the people in Cumberland and Glouceſter counties that have acted, are for a new ſtate; the reſt we view as neuters.

By order of committee,

EBENEZER HOSINGTON, *Chairman.*"

5th. Voted to adjourn this convention one hour, at this place. Convention opened at time and place.

6th. Voted, N. C. D. That the diſtrict of land commonly called and known by the name of the New Hampſhire Grants, be a new and ſeparate ſtate; and for the future conduct themſelves as ſuch.

7th. Voted, That Nathan Clark, Eſq. Mr. Ebenezer Hoſington, Captain John Burnham, Mr. Jacob Burton, and colonel Thomas Chittenden, be a committee to prepare a draught for a declaration for a new and ſeparate ſtate; and report to this convention as ſoon as may be.

8th. Voted, That captain Ira Allen, colonel Thomas Chandler, doctor Reuben Jones, Mr. Stephen Tilden, and Mr. Nathan Clark, Jun. be a committee to draw a plan for further proceedings; and report to this convention as ſoon as may be.

9th. Voted to adjourn this convention to eight o'clock to morrow morning, at this place.

Friday morning, convention opened according to adjournment. The committee appointed to bring in a draught of a declaration, ſetting forth the right the inhabitants of that diſtrict of land commonly called and known by the name of the New Hampſhire Grants have, to form themſelves into a ſtate or independent government, do make the following report to the honorable convention convened at Weſtminſter, January 15th, A. D. 1777, viz.

"To the honorable convention of repreſentatives from the ſeveral towns on the weſt and eaſt ſide of the range of Green Mountains, within the New Hampſhire Grants, in convention aſſembled.

Your committee to whom was referred the form of a declaration, ſetting forth the right the inhabitants of ſaid New Hampſhire Grants have, to form themſelves into a ſeparate and independent ſtate, or government, beg leave to report; viz.

Right 1. That whenever protection is withheld, no allegiance is due, or can of right be demanded.

2d. That whenever the lives and properties of a part of a community, have been manifeſtly aimed at by either the legiſlative or executive authority of ſuch community, neceſſity requires a ſeparation. Your committee are of opinion that the foregoing has for many years paſt, been the conduct of the monopolizing land claimers of the colony of New York; and that they have been not only countenanced, but encouraged, by both the legiſlative and executive authorities of the ſaid ſtate or colony. Many overt acts in evidence of this truth, are ſo freſh in the minds of the members, that it would be needleſs to name them.

And whereas the Congreſs of the ſeveral ſtates, did in ſaid Congreſs, on the fifteenth day of May, A. D. 1776, in a ſimilar caſe paſs the following reſolution, viz. "*Reſolved*, That it be recommended to the reſpective aſſemblies and conventions of the United Colonies, where no government ſufficient to the exigencies of their affairs has been heretofore eſtabliſhed, to adopt ſuch government as ſhall in the opinion of the repreſentatives of the people, beſt conduce to the happineſs and ſafety of their conſtituents in particular, and of America in general."—Your committee having duly deliberated on the continued conduct of the authority of New York before recited, and on the equitableneſs on which the aforeſaid reſolution of Congreſs was founded, and conſidering that a juſt right exiſts in this people to adopt meaſures for their own ſecurity, not only to enable them to ſecure their rights againſt the uſurpations of Great Britain, but alſo againſt that of New York, and the ſeveral other governments claiming juriſdiction in this territory, do offer the following declaration, viz.

"This convention, whoſe members are duly choſen by the free voice of their conſtituents in the ſeveral towns on the New Hampſhire Grants in public meeting aſſembled, in our own names, and in behalf of our conſtituents, do hereby proclaim and publicly declare, that the diſtrict of territory comprehending and uſually known by the name and deſcription of the New Hampſhire Grants, of right ought to be, and is hereby declared forever hereafter to be conſidered, as a free and independent juriſdiction, or ſtate; by the name, and forever hereafter to be called, known, and diſtinguiſhed by the name of New Connecticut, alias Vermont: And that the inhabitants that at preſent are, or that may hereafter become reſident, either by procreation or emigration, within ſaid territory, ſhall be entitled to the ſame privileges, immunities, and enfranchiſements, as are allowed; and on ſuch condition, and in the ſame manner, as the preſent inhabitants in future ſhall or may enjoy; which are, and forever ſhall be conſidered to be ſuch privileges and immunities to the free citizens and denizens, as are, or at any time hereafter may be allowed, to any ſuch inhabitants of any of the free and independent ſtates of America: And that ſuch privileges and immunities ſhall be regulated in a bill of rights, and by a form of government, to be eſtabliſhed at the next adjourned ſeſſion of this convention."

10th. Voted, N. C. D. to accept of the above declaration.

"To the honorable the chairman and gentlemen of the convention, your committee appointed to take into conſideration what is further neceſſary to be tranſacted at the preſent convention, beg leave to report, viz.

That proper information be given to the honorable Continental Congreſs of the United States of America, of the reaſons, why the New Hampſhire Grants have been declared a free ſtate, and pray the ſaid Congreſs to grant ſaid ſtate a repreſentation in Congreſs; and that agents be appointed to tranſfer the ſame to Congreſs, or the committee be filled up that are already appointed, and that a committee be appointed to draw the draught; That a committee of war be appointed on the eaſt ſide of the mountains, to be in conjunction with the committee of war on the weſt ſide of the mountains, to act on all proper occaſions; That ſome ſuitable meaſures be taken to govern our internal police for the time being, until more ſuitable meaſures can be taken; That ſome ſuitable way be taken to raiſe a ſum of money, to defray the expences of the agents that are to go to Congreſs; and for printing the proceedings of the convention, which we are of opinion ought to be printed. All which is humbly ſubmitted to the convention, by your committee.

By order of committee,

THOMAS CHANDLER, *Chairman*."

13th, Voted, N. C. D. to accept the above report.

Having made ſome other regulations, on January 22d, the convention adjourned to Windſor, to meet on the firſt Wedneſday in June.

Original records of the convention, p. 62—68;
in the hands of Jonas Fay of Bennington.

No. IX.

The Declaration and Petition of the Inhabitants of the New Hampſhire Grants to Congreſs, announcing the Diſtrict to be a Free and Independent State. Chap. V. p. 170.

To the honorable the Continental Congreſs.

THE declaration and petition of that part of North America, ſituate ſouth of Canada line, weſt of Connecticut river, north of the Maſſachuſetts bay, and eaſt of a twenty mile line from Hudſon's river, containing about one hundred and forty four townſhips, of the contents of ſix miles ſquare, each granted your petitioners by the authority of New Hampſhire, beſides ſeveral grants made by the authority of New York, and a quantity of vacant land, humbly ſheweth,

That your petitioners, by virtue of ſeveral grants made them by the authority aforeſaid, have many years ſince, with their families, become actual ſettlers and inhabitants of the ſaid deſcribed premiſes; by which it is now become a reſpectable frontier to three neighboring ſtates, and is of great importance to our common barrier Ticonderoga; as it has furniſhed the army there with much proviſions, and can muſter more than five thouſand hardy ſoldiers, capable of bearing arms in defence of American liberty:

That ſhortly after your petitioners began their ſettlements, a party of land jobbers in the city and ſtate of New York, began to claim the lands, and took meaſures to have them declared to be within that juriſdiction:

That on the fourth day of July, 1764, the king of Great Britain did paſs an order in council, extending the juriſdiction of New York government to Connecticut river, in conſequence of a repreſentation made by the late lieutenant governor Colden, that for the convenience of trade, and adminiſtration of juſtice, the inhabitants were deſirous of being annexed to that ſtate;

That on this alteration of juriſdiction, the ſaid lieutenant governor Colden did grant ſeveral tracts of land in the above deſcribed limits, to certain perſons living in the ſtate of New York, which were at that time in the actual poſſeſſion of your petitioners; and under color of the lawful authority of ſaid ſtate, did proceed againſt your petitioners, as lawleſs intruders upon the crown lands in their province. This produced an application to the king of Great Britain from your petitioners, ſetting forth their claims under the government of New Hampſhire, and the diſturbance and interruption they had ſuffered from ſaid poſt claimants, under New York. And on the 24th day of July, 1767, an order was paſſed at St. James's, prohibiting the governors of New York, for the time being, from granting any part of the deſcribed premiſes, on pain of incurring his higheſt diſpleaſure. Nevertheleſs the ſame lieutenant governor Colden, governors Dunmore and Tryon, have each and every of them, in their reſpective turns of adminiſtration, preſumed to violate the ſaid royal order, by making ſeveral grants of the prohibited premiſes, and countenancing an actual invaſion of your petitioners, by force of arms, to drive them off from their poſſeſſions.

Thoſe violent proceedings, (with the ſolemn declaration of the ſupreme court of New York, that the charters, conveyances &c. of your petitioners' lands, were utterly null and void) on which they were founded, reduced your petitioners to the diſagreeable neceſſity of taking up arms, as the only means left for the ſecurity of their poſſeſſions. The conſequence of this ſtep was the paſſing twelve acts of outlawry, by the legiſlature of New York, on the ninth day of March, 1774; which were not intended for the ſtate in general, but only for part of the counties of Albany and Charlotte, viz. ſuch parts thereof as are covered by the New Hampſhire charters.

Your petitioners having had no repreſentative in that aſſembly, when theſe acts were paſſed, they firſt came to the knowledge of them by public papers, in which they were inſerted. By theſe, they were informed, that if three or more of them aſſembled together to oppoſe what ſaid aſſembly called legal authority, that ſuch as ſhould be found aſſembled to the number of three or more, ſhould be adjudged felons: And that in caſe they or any of them, ſhould not ſurrender himſelf or themſelves to certain officers appointed for the purpoſe of ſecuring them after a warning of ſeventy days, that then it ſhould be lawful for the reſpective judges of the ſupreme court of the province of New York, to award execution of *Death*, the ſame as though he or they had been attainted before a proper court of judicatory. Theſe laws were evidently calculated to intimidate your petitioners into a tame ſurrender of their rights, and ſuch a ſtate of vaſſalage, as would entail miſery on their lateſt poſterity.

It appears to your petitioners, that an infringement on their rights is ſtill meditated by the ſtate of New York; as we find that in their general convention at Harlem, the ſecond day of Auguſt laſt, it was unanimouſly voted, "That all quitrents formerly due and owing to the crown of Great Britain within this ſtate, are now due and owing to this convention, or ſuch future government as may hereafter be eſtabliſhed in this ſtate."

By a ſubmiſſion to the claims of New York, your petitioners would be ſubjected to the payment of two ſhillings and ſix pence ſterling on every hundred acres annually; which, compared with the quitrents of Levingſton's, Phillips's, and Ranſlear's manors, and many other enormous tracts in the beſt ſituations in the ſtate, would lay the moſt diſproportionate ſhare of the public expenſe on your petitioners, in all reſpects the leaſt able to bear it.

The convention of New York have now nearly completed a code of laws, for the future government of that ſtate; which, ſhould they be attempted to be put in execution, will ſubject your petitioners to the fatal neceſſity of oppoſing them by every means in their power.

When the declaration of the honorable the Continental Congreſs of the fourth of July laſt paſt, reached your petitioners, they communicated it throughout the whole of their diſtrict; and being properly apprized of the propoſed meeting, delegates from the ſeveral counties and towns in the diſtrict, deſcribed in the preamble to this petition, did meet at Weſtminſter in ſaid diſtrict, and after ſeveral adjournments for the purpoſe of forming themſelves into a diſtinct and ſeparate ſtate, did make and publiſh a declaration, "that they would at all times thereafter conſider themſelves as a free and independent ſtate, capable of regulating their own internal police, in all and every reſpect whatſoever; and that the people in the ſaid deſcribed diſtrict, have the ſole excluſive right of governing themſelves in ſuch a manner and form, as they in their wiſdom ſhould chooſe; not repugnant to any reſolves of the honorable the Continental Congreſs:" And for the mutual ſupport of each other in the maintenance of the freedom and independence of ſaid diſtrict or ſeparate ſtate, the ſaid delegates did jointly and ſeverally pledge themſelves to each other, by all the ties that are held ſacred among men, and reſolve and declare, that they were at all times ready, in conjunction with their brethren of the United States, to contribute their full proportion towards maintaining the preſent juſt war againſt the fleets and armies of Great Britain.

To convey this declaration and reſolution to your honorable body, the grand repreſentative of the United States, were we (your more immediate petitioners) delegated by the united and unanimous voices of the repreſentatives of the whole body of the ſettlers on the deſcribed premiſes, in whoſe name and behalf, we humbly pray, that the ſaid declaration may be received, and the diſtrict deſcribed therein be ranked by your honors, among the free and independent American ſtates, and delegates therefrom admitted to ſeats in the grand Continental Congreſs, and your petitioners as in duty bound ſhall ever pray.

New Hampſhire Grants, Weſtminſter, 15th *Jan.* 1777.

Signed by order, and in behalf of ſaid inhabitants,
JONAS FAY,
THOMAS CHITTENDEN,
HEMAN ALLEN,
REUBEN JONES.

* * *

No. X.

The remonſtrance of the Commiſſioners from Vermont againſt the Proceedings of Congreſs, Sept. 22, 1780. Chap. V. p. 197.

To the Hon. the Congreſs of the United States of North America.

THE remonſtrance of Ira Allen and Stephen R. Bradley, commiſſioners from the free and Independent ſtate of Vermont, appointed for the time being to attend on Congreſs.

With pleaſure they embrace this firſt opportunity to teſtify their thanks for the perſonal honor done them by Congreſs, in giving them an attendance though in a private capacity, with their honorable body: At the ſame time lament the neceſſity which obliges them to ſay, they can no longer ſit as idle ſpectators, without betraying the truſt repoſed in them, and doing violence to their feelings, to ſee partial modes purſued, plans adopted, ex parte evidence exhibited, which derives all its authority from the atteſtation of the party; paſſages of writings ſelected giving very falſe repreſentations of facts, to anſwer no other end but to prejudice your honorable body againſt the State of Vermont; thereby to intrigue and baffle a brave and meritorious people out of their rights and liberties.— We can eaſily conceive the ſecretary's office of the ſtate of New York, may be converted into an inexhauſtible ſource to furniſh evidence to anſwer their purpoſe in the preſent diſpute.

Needleſs would it be for us to inform Congreſs, that by the mode of trial now adopted, the ſtate of Vermont can have no hearing without denying itſelf: And to cloſe with thoſe reſolutions, which we conceive our enemies have extorted from your honorable body, and on which the trial is now placed, would be in fact, taking upon ourſelves that humility and ſelf abaſement, as to loſe our political life, in order to find it.

We believe the wiſdom of Congreſs ſufficient to point out, that purſuing the preſent mode, is deviating from every principle of the laws of nature, or nations: For if the diſpute is between the ſtates claiming on the one part, and the ſtate of Vermont on the other, whether the latter be a ſtate *de jure*, as an independent juriſdiction *de facto*; they ought to be conſidered in the courſe of the diſpute, until the powers interpoſing, have determined whether the latter be an independent juriſdiction *de jure*, if not they of courſe ought to annihilate the juriſdiction *de facto*; but to annihilate the ſtate *de facto* in the firſt place, is ſummarily ending the diſpute; to deny the latter any independent juriſdiction *de facto*, is to deny there is any longer parties in the diſpute.

Again we conceive the means connected with the end, and upon no principle whatever can we juſtify, that either part ſhould eſtabliſh the modus or rules to be purſued in determining diſputes without confounding every idea of right and wrong. In the preſent caſe, on the one part might the end as juſtly have been eſtabliſhed as the way and means to effect the end.

We are far from being willing thoſe brave and ſtrenuous efforts made by the ſtate of Vermont in the controverſy with Great Britain, ſhould be buried by our graſping adverſaries, (thirſting after domination and prey) in the ſpecious pretext of riotouſly aſſuming government; and we thereby loſe all credit for the men and money we have expended.

Thus while we are neceſſitated to remonſtrate againſt the proceedings of Congreſs on the preſent mode, we are willing at the ſame time any equitable enquiry ſhould be made, the ſtate of Vermont being allowed equal privileges with the other ſtates in the diſpute.

And that the ſtate of Vermont might ſtand juſtified to your honorable body, and to the world, both as to her preſent and future conduct, we are induced, as well from principles of attachment to the American cauſe, as a regard we have for peace and harmony among the ſtates of America now at war with Great Britain, to make the following propoſals, viz.

1ſt. That the ſtate of Vermont will, as ſoon as may be, forward to the ſecretary of Congreſs, an atteſted return of all male perſons, liable to do duty agreeably to a militia act heretofore exhibited to Congreſs in a code of laws, entitled "The Laws of Vermont;" and the ſtate of Vermont ſhall for and during the preſent war with Great Britain, from year to year furniſh an equal number of troops in the field in proportion to their numbers, as Congreſs ſhall eſtimate the quotas of the ſeveral United States in proportion to their numbers; which troops ſhall be clothed, quartered and paid, by the ſtate of Vermont. And at the cloſe of the war, the diſpute ſhall be equitably ſettled by the mediation of ſovereign powers; and nothing herein contained, ſhall be conſtrued to take away the right any of the United States claim to have in or over the ſtate of Vermont: Or

2dly. We are willing to agree upon ſome one or more of the legiſlatures of the diſintereſted ſtates to interpoſe as mediators, and ſettle the diſpute: Or

3dly. We are willing Congreſs, being poſſeſſed of ſovereignty, ſhould interpoſe to prevent the effuſion of human blood: At the ſame time, we reprobate every idea of Congreſs ſitting as a court of judicature, to determine the diſpute by virtue of authority given them by the act or acts of the ſtate or ſtates that make but one party.

It gives us pungent grief that ſuch an important cauſe at this juncture of affairs, on which our *all* depends, ſhould be forced on by any gentlemen profeſſing themſelves friends to the cauſe of America, with ſuch vehemence and ſpirit as appears on the part of the ſtate of New York: And ſhall only add, that if the matter be thus purſued, we ſtand ready to appeal to God and the world, who muſt be accountable for the awful conſequences that may enſue. *Signed at Philadelphia, this* 22d *day of September*, *A D*. 1780.

IRA ALLEN, STEPHEN R. BRADLEY.

No. XI.

Queſtions propoſed by the Committee of Congreſs to the agents on the part of Vermont, with the Anſwers of the Agents, Auguſt 18, 1781. Chap. V. p. 219.

Queſtion 1ſt. ARE the boundaries ſet forth in the written propoſitions delivered in by the ſaid Agents at this time, claimed by the ſtate of Vermont as the lines of juriſdiction, the ſame as contained in the reſolution of Congreſs of the 7th of Auguſt inſtant?

Anſwer. They are the ſame, with the addition of part of the waters of Lake Champlain for the benefit of trade.

Q. 2d. What part do the people of Vermont mean to take as to the paſt expenſes of the preſent war, and what aid do they propoſe to afford as to men and money to the common defence?

A. Such proportion as ſhall be mutually judged equitable after their admiſſion to a ſeat in Congreſs, which has been at ſeveral different times officially propoſed by agents on the part of Vermont.

Q. 3d. What are the ideas of the people of Vermont relative to the claim of private property, under grants or patents from New Hampſhire, or New York previous to the preſent revolution?

A. Although the ſtate of Vermont have not hitherto authoriſed any courts to take cognizance of ſuch cauſes as reſpect titles of lands, nevertheleſs they have had, and ſtill have it in contemplation to adopt ſuch modes as the circumſtances ariſing out of each caſe may juſtify, without adhering to the ſtrict rules of law.

Q. 4th. What are the intentions of your conſtituents in regard to the patents that were granted on conditions of ſettlement within a given time, and which have been prevented by the claims of the people of Vermont, and the preſent revolution?

A. No forfeitures have been taken by the ſtate of Vermont on any ſuch grants for nonperformance of conditions of ſettlement, and we conceive it to be the intention of our conſtituents to grant a further reaſonable time for fulfilling ſuch conditions.

Q. 5th. What are the number of inhabitants within the lines mentioned in the propoſitions abovementioned?

A. As the citizens of Vermont have not been lately numbered, we can therefore only eſtimate them at thirty thouſand, which we conceive to be nearly a true eſtimate.

Q. 6th. What quantity of land is contained within the ſaid bounds?

A. There has been no accurate ſurvey of the ſtate of Vermont, but we conceive it to contain about five millions of acres.

Q. 7th. What applications have been made either publicly or privately by the enemies of the United States, or their adherents, to draw off the people of Vermont from their affection to the United States of America?

A. The honorable committee are poſſeſſed of copies of Bev. Robinſon's letters incloſed in Brigadier general Allen's letter of the 9th day of March laſt, to the then Preſident of Congreſs, and any private offers we cannot avouch for.

Q. 8th. In caſe the enemy ſhould attempt an invaſion of the northern frontiers, what aid as to men and proviſions could be raiſed in the ſtate of Vermont for the public defence (you can ſuppoſe the invaſion made in different quarters) and in what time?

A. The number of militia within the lines herein limited, we ſuppoſe to be about ſeven thouſand; are in general well armed and accoutred, and have ever ſhown themſelves ſpirited in caſe of alarms, &c. In regard to proviſions, the country is fertile, but new. and conſiderable emigrations from other ſtates to Vermont.—The legiſlature at their ſeſſion in October laſt, levied a tax on the inhabitants ſufficient for victualling one thouſand five hundred troops in the field for twelve months, and we are of opinion a large ſtore may be in the ſame manner collected the enſuing autumn.

No. XII.

The Improvement which the Man of Europe has received in America. Chap. XIII. p. 430.

IT has been an opinion often adopted by the hiſtorians and philoſophers of Europe, that all the animals in America are inferior in every thing which conſtitutes their proper perfection. to thoſe of the ſame ſpecies in Europe. M. de Buffon has avowed this ſentiment in its fulleſt extent: Copying from him, moſt of the European writers have embraced and repeated the ſame hypotheſis. To add ſomething new to the conjecture, the Abbe Raynal has wiſhed to find ſome marks of degradation in the Europeans themſelves, when removed into America; that he might from that circumſtance deduce a concluſion, that there was ſomething naturally deficient and degrading in the American climate with regard to the productions and powers of animal life.

Among other paſſages, the following are remarkable for the ſingularity of the ſentiment and expreſſion:—" While tyranny and perſecution
" were deſtroying population in Europe, Britiſh America was beginning
" to be peopled with three ſorts of inhabitants. The firſt claſs conſiſts of
" freemen: It is the moſt numerous, but hitherto it has viſibly degen-
" erated. The Creoles, in general, though habituated to the climate from
" their cradle, are not ſo robuſt and fit for labour, nor ſo powerful in war,
" as the Europeans; whether it be that they have not the improvements of
" education, or that they are ſoftened by nature. In that foreign clime
" the mind is enervated as well as the body; Endued with a quickneſs
" and early penetration, it eaſily apprehends, but wants ſteadineſs, and is
" not uſed to continued thought. It muſt be a matter of aſtoniſhment to
" find, that America has not yet produced a good poet, an able mathe-
" matician, or a man of genius in any ſingle art or ſcience. They poſſeſs,
" in general, a readineſs for acquiring the knowledge of every art or ſci-
" ence, but not one of them ſhews a deciſive talent for one in particular.
" Is it poſſible that, although the Creoles educated with us have every one
" of them good ſenſe, or at leaſt the moſt part of them, yet not one ſhould
" have ariſen to any great degree of perfection in the ſlighteſt purſuit:
" And that, among ſuch as have ſtaid in their own country, no one has
" diſtinguiſhed himſelf by a confirmed ſuperiority in thoſe talents which
" lead to fame? Has nature then puniſhed them for having croſſed the
" ocean? Are they a people degenerated by tranſplanting, by growth, and
" by mixture?"*

Such is the account which the Abbe Raynal gives of the degradation which has come upon the deſcendants of Europe in America. It may afford amuſement to an inquiſitive mind to examine the obſervations, and inveſtigate what has been the fact with regard to the deſcendants of thoſe Europeans who ſettled in the United States of America; and we know not how to conduct the inquiry upon fairer principles, than to endeavour to aſcertain what has been the effect with regard to their government, religion, population, and thoſe arts which tend the moſt to render human life more eaſy and happy.

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* *Raynal's Hiſtory of the Eaſt and Weſt Indies, vol. vi. p.* 80, 81, *edit.* 1782.

1. With regard to civil government.—When the men of Europe came into America, they brought with them no other ideas or ſentiments as to the nature or form of civil government, than thoſe of the European monarchies. Hereditary monarchy was the eſtabliſhed form of government in all the kingdoms, from which the firſt ſettlers in America came. The authority of the monarch was then every where eſteemed as ſacred and divine, ſomething derived immediately from the God of kings, not at all dependant upon or derived from the people, but reſerved, appropriated and imparted by the Creator of all, to certain European families called noble and royal. Firmly believing in, and deeply impreſſed with theſe ideas, the Spaniards, the French, and the Engliſh, came into what, in the ſingular language of Europe, was called the new world, and they every where attempted to eſtabliſh the ſame ſyſtem and form of government. And behold the firſt mark of their degradation in the American climate! Believing in monarchy, with all its high diſtinctions and claims, of uncorrupted and noble and royal blood, they immediately found the diſtinctions and privileges annexed to it were unnatural, uſeleſs, and fooliſh. Their buſineſs was to clear up the lands, to plant the country, and to provide food and raiment. To men engaged in ſuch neceſſary and uſeful employments, nature and ſituation ſuggeſted the vanity and folly of the European diſtinctions and titles; and they ſaw at once, that man was not any better for being called a duke, an earl, or a marquis. Civil government they immediately found was a matter of the higheſt conſequence and neceſſity; and inſtead of enquiring nicely into the heavenly property ſaid to be appropriated and communicated to kings, they paſſed over theſe ſublime myſteries, took the ſtep that nature taught, and entered into combinations among themſelves both to form and ſupport civil government. Their conſtant employment of clearing up an uncultivated country, gave them juſt and comprehenſive views of the nature and origin of property: Their mutual wants, intereſts, and ſafety, taught them the nature, deſign, end duty of civil government; and every thing in their ſituation and employment tended to give them juſt ideas of the rights and duties of man.

Thus, while in theory they believed in the ſacred right of kings and monarchy, every thing in their buſineſs and in the ſtate of the country taught them a contrary doctrine; and plainly indicated, that it was the will of their Creator that they ſhould govern themſelves in ſuch a manner as was beſt ſuited to their condition and ſtate of ſociety. During a century and an half the kings of England ſtill kept up their claims, and their authority. This interference of royal authority was every where found to produce miſchief, and to be unfriendly to the intereſt and proſperity of the colonies. At length the matter became ſo oppreſſive and odious that it could be endured no longer. The people of America and the king of England appealed to arms, which ſhould have the ſovereign authority. Heaven declared in favor of the juſt and righteous cauſe of the people. The American ſyſtem of government, till then unknown to the world, took place. The univerſal and uncommon proſperity of the whole continent engaged the attention of all Europe. The wiſeſt and moſt powerful of all her nations caught the American flame, endeavoured to avail herſelf of the American principle, to deſtroy deſpotiſm, and eſtabliſh the republican form of government: but unfortunately, ſuch was the ſtate of ſociety in Europe, that her men did not underſtand the principles, and could not ſucceed in their ſtruggles to eſtabliſh a ſyſtem of free government.

It certainly then cannot be in matters of government that the men of Europe have degenerated in America. The whole effect has been the other way: They have diſcovered the true principles of a free government, and firmly eſtabliſhed them in their own country. The firſt nation in Europe endeavoured to do the ſame, but failed in the attempt.

2. Another article in reſpect to which the degradation of man often appears with a melancholy aſpect, is in matters of religion.—— At the time when the firſt emigrations were made to America, the religion that was eſtabliſhed in almoſt every part of Europe, was truly and properly the religion of monarchy. In conformity to the diſtinctions and different orders of men in the ſtate, the clergy were alſo arranged under different names, dignities and orders: from the dirt, by various ſteps and orders, the hierarchy roſe to the ſkies. Beginning in the privilege of begging, the order of clergy roſe one over another, till the whole terminated in a ſpiritual monarch called an archbiſhop, patriarch, or pontiff. In the higheſt ſpiritual office, by whatever name it was called, were united the privileges of great wealth, the powers of ſuperſtition, temporal honors, civil dignities, and a ſituation next to the throne; effectually ſecuring the conſcience of the ſovereign, the obedience of the clergy, and the faith of the people. Ceremonies, creeds, and confeſſions, founded in folly, ignorance and knavery, formed the largeſt part of what was called the divine ſervice. The principles and practice of morality were forgot, and the fear of God and love of our neighbour were but little taught or regarded. To believe in the church, was the grand requiſite: and the vices of ſuch men, however enormous, gave but little offence; conformity made atonement for all vices; and he who was an obedient ſon of the church, and liberal in money to his ſpiritual mother, was ſure of being bleſſed by deacons, prieſts and biſhops.

This ſyſtem of corruption, called at that time religion, had become ſo apparent and abuſive, that the degree of corruption had ſerved to engage the attention of many ſerious perſons; and the conſequence of thinking at all upon the ſubject, was a diſcovery that there were many errors and abuſes in the national religion. No ſooner had the emigrants arrived in New England, than they laid aſide the whole ſyſtem of eccleſiaſtical power; and although they were far from comprehending the principles of religious liberty, and had too much of the intolerant and perſecuting ſpirit which they brought from their mother country, they embraced the leading principle of religious freedom which produced all the reſt, 'that the people themſelves ſhould chooſe their own clergy who ſhould be without civil powers or honors.' Amidſt thouſands of errors and miſtakes, this fundamental truth gained ſtrength, gradually explained itſelf, and continued to operate till it produced that perfect ſyſtem of equality and freedom which now takes place in America: A ſyſtem in exact conformity to the genius and ſpirit of the pure and benevolent religion of Jeſus Chriſt; greatly favorable to ſociety; and honorable, in the higheſt degree, to the country that diſcovered and produced it.

Is it then in matters of religion that the men of America have degenerated from their anceſtors? Are the eſtabliſhed and dignified clergy of monarchies, the only meek and humble ſucceſſors of the fiſhermen of Galilee? Is it in the divine right of tithes and tenths, that apoſtolic Chriſtianity conſiſts ? Or have no order of clergy any valid commiſſions, but thoſe who receive thouſands and ten thouſands of the money earned by the labors and ſufferings of the people ? Are theſe the men, who, above all others, are the followers of him who had not where to lay his head ? It is impoſſible not to diſcern in the religious eſtabliſhments of Europe, the powers, the maxims, the policy, and the abuſes of monarchy and eſtabliſhed corruption. And it is apparent, that in America the people have wholly rejected this ſyſtem of tyranny and iniquity, and have every where eſtabliſhed the rights of conſcience, and that unlimited equality and freedom to which all men are juſtly entitled, and which nature and Chriſtianity enjoin and require. Inſtead then of being degraded by reſiding in America, the men of Europe have here become much more enlightened and improved in their religious principles than their brethren whom they left behind : And it was in the country where every thing partook of the ſpirit of freedom, that they firſt diſcovered the true principles of religious freedom, and eccleſiaſtical policy.

3 If the degradation of the European cannot be found in their civil or religious attainments, it will be moſt natural to look for it in their phyſical qualities and properties.—And what has been the caſe here ? Are the men of America degenerated in their ſize, ſtrength, vigour, and courage ? So the Britiſh miniſters talked and talked ; and nothing could make them believe to the contrary, till two of their armies were taken ; their generals and troops every where defeated, and no ſecurity remained for any of them but in the neighborhood of their ſhipping. It then became neceſſary to ſave their own honor, by confeſſing that the men who had captured their generals and armies, had probably as much courage and ſtrength as the troops they had taken captive. If further proof is neceſſary here, the matter is referred to the Britiſh nation to decide : No people have ſaid ſo much of the American weakneſs and cowardice, as you accuſtomed yourſelves to before the late American war. Will you now be ſo good as to tell us at what time, and by what nation, your king and parliament were ever ſo effectually humbled as by the captures of Burgoyne and Cornwallis ? Could thoſe Americans, by whom your beſt generals and troops were thus diſhonored, be men, whoſe bodies and minds were enervated in a foreign climate ? Is it then in reſpect to the increaſe and preſervation of the human ſpecies, that the Americans are become inferior to the Europeans ? In this reſpect one of the beſt informed writers in Europe has told us, that "in Great Britain and moſt other European countries, they are not "ſuppoſed to double in leſs than five hundred years.*" In America, the period of doubling, from the moſt authentic obſervations, in every part of the United States, is between twenty and twenty five years.† Strange degradation, that has proved above twenty times more favorable to population, than the ſtate of ſociety in Europe !

4. Is it then in thoſe arts which tend to render human life more eaſy and happy, that the Americans have degenerated ? So far from this, that they have made great improvements in all thoſe arts, which are of the greateſt neceſſity and convenience to man. Among the moſt uſeful arts, agriculture, by the conſent of all men, is to be ranked firſt, as moſt of all neceſſary and uſeful. And is there in the annals of mankind, any inſtance in which ſo much has been done, and ſuch improvements made in the courſe of one century and a half ? From north to ſouth, through a tract of

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* Smith's Wealth of Nations, Vol. I. p. 94.

† Hiſtory of Vermont, p. 421.

country fifteen hundred miles in length, and two hundred in width; the wilderneſs, never touched before by the hand of cultivation, has been turned into flouriſhing cities, or fruitful villages and fields, ſettled by ſix millions of inhabitants, and affording food for as many more Europeans. In no country, and at no period of time, has agriculture ever before performed ſuch exploits and wonders in ſo ſhort a period of time. In commerce, no ſooner was America delivered from the ſhackles of the Britiſh navigation acts, than ſhe carried her commerce into the moſt diſtant parts of the globe: And thoſe India voyages which the Britiſh merchants had endeavored to improve for more than two centuries, were immediately performed in leſs than half the time, & at leſs than half the expenſe, to which the Europeans had been accuſtomed. In the mechanic arts, confeſſing our ſuperiority, the Britiſh workmen have ſent for the American mechanics, to teach them the art of giving ſtrength and durability to their bridges: And in no kind of mechanical employment, is it the caſe that the European workmen will perform one half of the buſineſs, which is done by the American laborers in the ſame time.

But in thoſe arts and ſciences which are merely ſpeculative, theoretic, or ornamental, the caſe is not the ſame: Here the ſubjects of ancient and wealthy monarchies are before the citizens of a new country. While the latter are employed in rendering their country rich, happy, and flouriſhing, the former, forbid to meddle with the affairs of government or religion, are allowed to cultivate the languages, poetry, and mathematics: And theſe the Abbe Raynal ſeems to conſider as the only marks of genius, ſtrength of mind, or excellency of underſtanding. Trained up in a country where every thing bore the marks and effects of deſpotiſm, he had no ideas of any improvements among the people, or that the body of the citizens ever were to ariſe to any thing great or good. And hence he was looking for the exiſtence and evidence of genius in a few remarkable poets, philoſophers, and mathematicians, in the imitators of Homer, Theocritus, Anacreon, Archimedes, or Newton.

Was there ever any idea of genius and eminence leſs juſt, or more perfectly monarchical than this? It is allowed ſpeculative ſcience and the fine arts deſerve the attention and cultivation of every country: But ſurely they are not the primary or moſt important purſuits; nor do they bear any proportion in point of utility to thoſe arts, in which the neceſſaries and conveniencies of all men are concerned. When Homer wrote his Iliad, and when Milton favored the world with his Paradiſe Loſt, theſe poets did that which diſplayed the greateſt force and extent of the imagination, and deſerved the approbation of all men. When Newton diſcovered the law of attraction, and inveſtigated the principles of fluxions, he diſcovered a ſtrength of mind honorable to human nature, and which could not fail to engage the attention of all the mathematicians in Europe. But neither in the one nor in the other of theſe diſcoveries, were the body of mankind much concerned, nor have they received much advantage from either of them. The duties and the employments of men were the ſame before and after the diſcovery of the new planet; and the body of mankind had preciſely the ſame air to breathe in, before Prieſtly diſcovered that it might be produced in various methods, and had different effects. It is not therefore by the diſcoveries of a few mathematicians, or by the imaginations of a few poets, that a country is made to thrive, that human happineſs is moſt of all promoted, or that the body of mankind are to be moſt improved. It is no mark, therefore, of degradation in the people of America, that the Abbe Raynal does not find them generally endeavoring to acquire fame, by devoting themſelves to poetry and the mathematics. It is the mark and the effect of ſuperior information in human affairs, that their philoſophers have raiſed their views to higher objects, and are moſt of all devoted to the purſuits and improvements which have the welfare, the improvement, and the proſperity of their country for their more immediate object: And whenever theſe are carried to their proper perfection, all that is really uſeful and properly ornamental, will ſucceed of courſe. We reject, therefore, the Abbe's idea of men of genius; and are ſorry that he did not know, that the moſt ſublime work of the human mind, is to improve the civil and moral ſtate of the people, and to render a whole nation more improved, happy, and proſperous. With men of this kind of genius, America every where abounds: And ſuch kind of philoſophers are infinitely more uſeful to us, than a few eminent poets and mathematicians are, or ever can be.

It is not therefore degradation, but a high ſtate of improvement, that the men of Europe have acquired in America: And this improvement does not conſiſt in attainments merely ſpeculative or ornamental; but in thoſe civil, moral, and economical virtues that render a country happy, proſperous and highly flouriſhing. But without enumerating every article that belongs to this ſubject, the *general effect* will be ſufficient fairly to determine whether this has been the caſe or not.

In the year 1783, the former Britiſh provinces were declared by the European powers to be free, ſovereign, independent ſtates. Since that period the number of inhabitants in the United States has more than doubled. The ſame has been the caſe with the number and extent of our ſettled towns. Our agriculture, in its produce and effects, has increaſed in a ſtill higher ratio. Our commerce has ſpread over the globe; and from the reduced ſtate of privation and poverty in which our independence found our commerce and finances, in the courſe of twenty three years we are become more commercial than any nation in Europe, Great Britain alone excepted. Our manufactures are carried into almoſt every village and family; and are in a ſtate of rapid improvement and increaſe. An uninterrupted peace has almoſt univerſally prevailed in every part of the country; and a very extenſive, rich, and valuable addition has been made to our territory. Theſe acquiſitions have been the reſult, not of war, deſtruction, and conqueſt, but of cultivation and the arts of peace. During this period, fierce and repeated attacks have been made on thoſe parts of the ſocial ſyſtem, where Europe has ſuppoſed we were the moſt weak and vulnerable. Believing that the ſyſtem of popular election and repreſentation was naturally productive of faction and corruption, there have been thoſe in every ſtate who have employed all the arts of miſrepreſentation and intrigue to agitate and divide the people, and abuſe and oppoſe the government. But all the zeal, noiſe, and ravings of faction, have not availed to deſtroy, materially to alter, or to weaken the government of any one of the American ſtates; or the federal conſtitution, which is deſigned to embrace and preſerve them all. Attached to their country, the people every where adhere to their republican principles, union, and government, under which they have enjoyed uninterrupted peace, proſperity, and improvement. Such has been the reſult and effect of the republican and political experiment in the United States, during the whole period of their national exiſtence.

Europe, it will be allowed, is that part of the globe in which the improvement of man and of ſociety has been carried to the greateſt degree of perfection, that has appeared in the eaſtern hemiſphere. Her ſyſtem of government is ancient, fully eſtabliſhed, and perfectly well underſtood by the experience and practice of many centuries; and that government is almoſt univerſally monarchical. Her religion involves a rich and eſtabliſhed church; a learned and wealthy prieſthood; ceremonies, cuſtoms, and religious ſervices, venerable by age, ſupported by law, and believed to be eſtabliſhed by divine authority and revelation. Her learning and ſcience far exceeds any thing of that nature, which has been acquired in America. The wealth that is accumulated in thoſe countries is immenſely ſuperior to any thing that we poſſeſs. Her armies are in the full powers of numbers, diſcipline, experience, royal ſupport and animation. Her fleets, in their number, power, in the abilities of their commanders, and in the diſcipline and hardihood of their ſailors, exceed any thing that has ever appeared on this globe before: And century after century has been employed, to give perfection to her courts and laws. Here then it is rational to look for all the benefits that can flow from the European ſyſtem of an eſtabliſhed monarchy, church, army, navy, and law; made powerful by all the aids that wealth, commerce, and the higheſt attainments in the arts and ſciences can produce.

And what has been the ſocial effect of this aſtoniſhing accumulation of learning, power and human acquiſitions; and how has it operated on the improvement and happineſs of man and of ſociety? War, perpetual war, the exaltation of a few, the poverty and degradation of the people, has been the natural, certain, and univerſal effect. The very attempt to introduce the principles of American freedom, has given new powers and extent to deſpotiſm; and ſpread the ſpirit of deſtruction, plunder, and ſlaughter through every part of Europe; and when theſe miſeries and plagues will ſtop, no man can tell. Which then is the country in which man and ſociety is advancing to moral and ſocial improvement and felicity? Let the general effect determine what anſwer ſhould be given to ſuch inquiries and ſpeculations. If this kind of improvement has been carried further with us, than it ever was in any other country, then have the men of America performed the greateſt work that ever was done; and riſen to the higheſt attainments, by which genius can be diſplayed.

No. XIII.

Topographical Table of the Towns and Counties in the State of Vermont.

BENNINGTON COUNTY.

Incorporated February 11, 1779.

Names of the Towns.	Dates of the Grants.	Acres of Land.	No. of Inhabitants in 1791	No. of Inhabitants in 1800.	Ratable property in the year 1781.	Ratable property in the year 1791.	Ratable property in the year 1806.
Arlington,	1761, July 28.	23040	991	1597	£ 3503-05-0	£ 4331-15-0	Dol. 23,269
Bennington,	1749, June 3.	23044	2377	2243	11898 00-0	11628-18-0	49,453
Dorſet,	1761, Auguſt 20.	23040	958	1286	2469-12-0	4016-15-0	22,375
Glaſtenbury,	1761, Auguſt 20.	23040	34	48			
Landgrove,	1780, November 6.	24646	31	147			2,693
Mancheſter,	1761, Auguſt 11.	23040	1276	1397	5170-03-0	6578 07-6	31,422
Pownal,	1760, January 8.	23040	1746	1692	6615 10-0	6395 00-0	25,188
Peru,	1761, October 13.	23040	71	130			
Rupert,	1761, Auguſt 20.	23040	1033	1648	2711-15-0	4929-15-0	19,867
Reedſborough,		20480	64	231			4,054
Shafiſbury,	1761, Auguſt 20.	23040	1999	1895	9118 09 0	10926 09 0	43 399
Sunderland,	1761, July 29.	23040	414	557	1928 16-0	1932 15-0	10,094
Sandgate,	1761, Auguſt 18.	23040	773	1020	847 00-0	2677-05-0	18,500
Stamford,	1753 March 6.	23040	272	383	849-05 0	904-00-0	5,435
Seatſburgh,	1781, February 23.	10240	6				
Woodford,	1753, March 6.	23040	60	138			1,877
Winhall,	1761, September 15.	23040	155	202			4,518
Total,			12,254	14,617	45,111-16-0	54,315-19-6	D. 262,144

WINDHAM COUNTY.

Incorporated February 11, 1779, by the name of Cumberland.

Names of the towns.	Dates of the Grants.	Acres of Land.	No. of Inhabitants in		Ratable property in the year		
			1791.	1800.	1781.	1791.	1816.
Athens,	1780, March eleven.	9328	450		£. 442-17-0	£. 1212-05-0	Dols. 6,307
Aikin's Gore,	1782, February 25.	931					
Acton,							2,352
Avery's Gore,		1380					
Brattleborough,	1753, December 26.	20000	1589	1867	4999-16-0	5969-12-6	25,477
Brookline,				47			4 783
Dummerſton,	1753, December 26.	17800	1501	1692	2970-00 0	4978 00-0	21,489
Grafton,	1754, April 6. & 1763, September 1.	22690	561	1149	200-00-0	1422-15-0	17,334
Guilford,	1764, April 2.	23040	2432	2256	5836-10-0	6717-11-0	30,866
Halifax,	1750, May eleven.	23040	1309	1600	3569-16-0	464[illegible]-10-0	26,974
Johnſon's Gore,	1782, February 23.	5030	49	131			
Jamaica,	1780, November ſeven.	29017	263	582	186-10-0	663-15 0	8,733
Londonderry,	1780, March ſixteen.	28459	362	330	886 10-0	156[illegible]-10-0	5,879
Marlborough,	1751, April nineteen.	23040	629	1087	1881-10-0	2676-00-0	16,564
Newfane,	1761, November three.	22690	660	1000	1687-06-0	2597-00-0	14,818
Putney,	1753, December 26.	18115	1848	1574	4835-08-0	6138 10-0	24,863
Rockingham,	1752, December 28.	24915	1235	1684	3363-00-0	4832.15.0	25,880
Somerſet,		23040	111	130			
Stratton,		23040	95	271			2,992
Townſhend,	1753, June thirty.	22690	676	1083	1462-05-0	2463.16 0	16,[illegible]67
Vernon,	1753, September five.	12000	482	480	1869-00-0	1908 00.0	7,064
Wardſboro, S. D.	1780, November ſeven.	33944	483	868		1758 10.0	10,871
Wardſboro, N. D			270	616		1009.15-0	13,4[illegible]

Names of the towns.	Dates of the Grants.	Acres of Land.	No. of Inhabitants in		Retable property in the year		
			1791.	1800.	1781.	1791.	1800.
Weſtminſter,	1752, November nine.	25322	1601	1942	£. 4982.05.0	6695 10.0	27,522
Wilmington,	1751, April twenty nine & 1763, June ſeventeen.	23040	645	1011	1874.00.0	2735 10.0	17,513
Whitingham,		23404	442	868	693.10.0	1352 05.0	11.440
Windham,				479			8.384
Total.			17,693	23.581	41,738-17.0	61,334.09 6	343,607

RUTLAND COUNTY.

Incorporated February 1781.

Benſon,	1779, Oct. twenty ſeven.	23040	658	1159		2179 15-0	24,322
Brandon,	1762, October twenty.	22756	637	1076		2273 10-0	17,158
Caſtleton,	1761, Sept. twenty two.	23040	800	1039	1257-00 0	3386 11-3	20,645
Chittenden,	1780, March fourteen.	26872	159	327		499 15-0	5.893
Clarendon,	1761, September five.	24480	1478	1789	3748 08-0	6083-00-0	29,882
Danby,	1761, Aug. twenty ſeven.	23040	1206	1487	3241-00.0	4456-15 6	29 691
Fairhaven, &	1779, Oct. twenty ſeven.	29872	545	411		2225-08-0	6,830
Weſthaven,				430			7,268
Hubbardton,	1764, June fifteen.	23040	404	641		1692-00-0	11,943
Ira,	1780, November eight.	14800	312	473	515-00-0	1220-15-0	9,656
Middletown,		13841	699	1066		2984.05 0	18,396
Midway,	1781, Feb. twenty three.	21180	34	39			
Mounthollly,	1781. Feb. twenty three.	25796		668			8,328
Mount Tabor,	1781, Auguſt twenty eight.	23040	165	153	200-00-0	513-15-0	8 234
Orwell,	1763, Auguſt eight.	27072	778	1376		2940-15 0	26,604
Pawlet,	1761, Auguſt twenty ſix.	23040	1458	1938	2507 05-0	6038-05 0	37.632
Pittsford,	1764, June ſixteen.	25600	850	1413	573 10-0	8411-15-0	25.665
Pittsfield,	1780, November ſeven,	12769	49	164			3,700

Names of the towns.	Dates of the grants.	Acres of land.	No. of inhabitants.		Ratable property in the year		
			1791.	1800.	1781.	1791.	1806.
Philadelphia,	1780, March fourteen.	22086	39	123			1,717.
Poultney,	1761, September 21.	20652	1121	1694	2296-05-0	4639-17 6	32,397
Rutland,	1761, September seven.	25080	1407	2125	3975-10-0	6324-10-0	39,053
Shelburne,	1761, June seven.	24640	82	90			2,376.
Shrewsbury,	1761, September four.	25392	383	748	228 00-0	1155-10-0	11,458
Sudbury,	1763, August six.	13426	258	521		1032-10-0	8,700.
Tinmouth,	1761, September fifteen.	16794	935	973	3507-05-0	4410-00-0	18,483
Wallingford,	1761, November 27.	23040	536	912	1200-00-0	2087-08 0	17,129.
Wells.	1761, September fifteen.	16922	622	978	300-00-0	2089-00-0	11,191
Total.			15 565	23 813	24,549-03-0	61,644-14-3	429,358

WINDSOR COUNTY.

Incorporated, February, 1781.

Andover,	1761, October thirteen.			1016	301-10-0	990-05-0	9,486
Baltimore,		27973	275	174			3,139
Barnard,	1761, July seventeen.	26880	673	1236	1027-00-0	3000-15-0	20,972
Bethel,	1779, October 27.	23702	473	913		1803-15-0	13 165
Bridgewater,	1761, July ten.	30263	293	781		1106-00-0	12,366
Cavendish,	1761, October twelve.	25350	491	922	572-00-0	1572-05-0	16,210
Chester,	1761, November three.		981	1878	1884-10-0	4703-05 0	32 098
Hartland.	1761, July ten.	25350	1652	1960	2549-10-0	6375 15 0	32,285
Hartford,	1761, July four.	27000	988	1494	3013-02-6	4709-00-0	26,631
Ludlow,	1761, September sixteen.	17880	179	410			7,412
Norwich,	1761, July four.	26988	1158	1486	3659 15 0	5695-00-0	34,434
Plymouth,	1761, July six.	25686	106	497			7,029
Pomfret,	1761, July eight.	24504	710	1106	1493-00-0	3182-15-0	20 179
Reading,	1761, July six.	23117.	747	1120	358.12.0	2601.00.0	17,555,

Names of the towns.	Dates of the Grants.	Acres of Land.	No. of Inhabitants in		Ratable property in the year		
			1791.	1800.	1781.	1791.	1806.
Royalton,	1779, Oct. twenty ſeven.	28320	748	1501	£. 825-00-0	£. 3313-15-0	Dol. 20,676
Rocheſter,	1780, November ſix.	23040	2[illegible]5	524		845-15-0	8,724
Sharon,	1761, Auguſt ſeventeen.	23795	569	1158	893-00-0	3416-00-0	20,603
Springfield,	1761, Auguſt twenty.	26400	1097	2032	2139-10-0	3781-12-0	29,918
Stockbridge,	1761, July twenty one.	28160	100	432			6,557
Weathersfield,	1761, Auguſt twenty.	22030	1146	1944	1279-10-0	4130-05-0	28,789
Weſton,				17			5,817
Windſor,	1761, July ſix.	23040	1542	2211	4085-03-0	6667-08-0	43,870
Woodſtock,	1761, July ten.	26017	1605	2132	2770-05-0	5421-09-0	34,976
Total.			15,748	26,944	26,781-07-6	63,315-19-0	452,875

ADDISON COUNTY.

Incorporated February 27, 1787.

Addiſon,	1761, October four.	28800	401	734		1915-10-0	20,445
Avery's Gore,	1791, Jan. twenty ſeven.	8744					
Bridport,	1761, October nine.	26500	449	1124		2008-00-0	23,094
Briſtol,	1762, June twenty ſix.	26086	211	665			10,035
Cornwall,	1761 November three.	28000	826	1163		3314-15-0	26,465
Ferriſburgh,	1762, June twenty four.	28760	481	956		1843-05-0	18,976
Goſhen,	1780, Feb. twenty three.	14000		4			
Hancock,	1780, November ſeven.	23040	56	149			3,035
Kingſton,	1780, November ſeven.	23040	101	185			
Leiceſter,	1761, October twenty.	12000	343	522		1385-05-0	8,890
Lincoln,	1780, November ſeven.	23040		97			3,154
Middlebury,	1761, November two.	27300	395	1263		859-00-0	29,167
Monkton,	1762, June twenty four.	24000	450	880		1985-05-0	19,280
New Haven,	1761, November two.	23390	723	1135		2939-05-0	24,256

Names of the Towns.	Dates of the Grants.	Acres of Land.	No. of Inhabitants in 1791	1800.	Ratable property in the year 1781.	1791.	8·6.
Panton,	1764, November three.	10530	220	363		£. 781-00-0	Dol. 7,842
Ripton,	1781, April thirteen.	24000					
Salisbury,	1761, November three.		446	644		2850-12-6	13,486
Shoreham,	1761, October eight.	26319	721	1447		2482-11-0	28,379
Starksborough,	1780, November seven.	18500	40	359			6,707
Vergennes & }		5904	201	516		940-16-0	{ 6,819
Waltham, }				247			{ 4,907
Warren,	1789, October twenty.	16660		58			
Weybridge,	1761, November three.	8261	175	502		817-05-0	10,719
Whiting,	1763, August six.	13000	250	404		1053-10-0	7,668
Total,			6489	12417		25,113-19-6	273,324

ORANGE COUNTY.

Incorporated February 1781.

Barre,	1780, November six.	19900	76	919			16,506
Berlin,	1763, June six.	21855	134	684			15,408
Bradford,	1761, Jan. twenty five.	18300	654	1064	1450-00-0	2432-00-0	18,788
Braintree,	1780, November two.	23040	221	531		799-00-0	9,231
Brookfield,	1780, November six.	23040	421	988		1672-00-0	18,628
Chelsea,	1780, November two.	23040	239	897		790,15 6	11,686
Corinth,	1764, February four.	23040	578	1410	1075-10-0	1781-00-0	21,988
Fairlee and	1761, September nine.	26517	463	286	508-00-0	1419-05-0	6,412
West Fairlee,				391			6,176
Newbury,	1761, May eighteen.	36450	873	1304	2880-19-0	3675-00-0	21,135
Northfield,	1780, November six.	18515	40	204			3,744
Orange,	1780, November nine.	23040		348			4,351
Randolph,	1780, November two.	28596	892	1841		8098-00.0	37,020

Names of the towns.	Dates of the grants.	Acres of land.	No. of inhabitants in 1791.	No. of inhabitants in 1800.	Ratable property in the year 1781.	Ratable property in the year 1791.	Ratable property in the year 1806.
Roxbury,	1780, Nov. nine.	23040	14	113			
Strafford,	1761, Aug. twelve.	24325	845	1642	1349-15-0	3048-00-0	23,409
Thetford,	1761, Aug. twelve.	26260	862	1478	1802-05-0	3363-15-0	22,644
Topſham,	1761, June twelve.	26836	162	344			7,663
Tunbridge,	1761, Sept. three.	23007	487	1324		1641-05-0	24,717
Verſhire,	1780, Nov. ſeven.	21961	439	1031		1483-15-0	12,201
Waſhington,	1780, Nov. ſix.	13040	72	500			10,343
Williamſtown,	1780, Nov. ſix.	23040	146	839		802-15-0	19 536
Total.			7618	18,238	9,066-09-0	26,006-08-6	310,483

CHITTENDEN COUNTY.

Incorporated October 22, 1782.

Avery's Gore,	1791, Jan. ſeven.	5970					
Bolton,	1763, June ſeven.	23040	88	219		176-10-0	2,498
Buel's Gore,		4273					
Burlington,	1763, June ſeven.	23040	332	815		1258-00-0	15,844
Charlotte,	1762, June 14.	24090	635	1231		2767-12-6	34,262
Colcheſter,	1763, June ſeven.	20000	137	347		511-10-0	6,532
Duxbury,	1763, June ſeven.	23040	39	153			2,602
Eſſex,	1763, June ſeven.	23040	354	729		1487-15-0	14,055
Fayſton,	1782, Feb. twenty five.	22588		18			
Hineſburgh,	1761, June twenty one.	23040	454	933		1697-15-0	17,508
Huntington,	1763, June ſeven.	23040	167	405		423-10-0	8,141
Jericho,	1763, June eight.	25668	381	728		1728-05-5	13,592
Manſfield,	1763, June eight.	23040		12			
Milton,	1763, June eight.	27616	282	786		1041-00-0	14,896
Middleſex,	1763, June eight.	28200	60	262		176-00-0	4,321

Names of the towns.	Dates of the grants.	Acres of land.	No. of inhabitants. 1791.	1800.	Ratable property in the year 1781.	1791.	1800.
Moretown,	1763, June ſeven,	23040	24	191			3,756
Richmond,				718			13,047
Shelburne,	1763 Aug. eighteen.	15120	389	723		1907-16-0	17,405
St. George,	1763, Aug. eighteen.	2200	57	66			
Stow,	1763, June eight.	23040		316			5,220
Underhill,	1763, June eight.	23040	65	212			4,231
Waitsfield,	1782, Feb. twenty five.	23200	61	473			7,935
Waterbury,	1763, June ſeven.	21220	93	644			9,168
Weſtford,	1763, June three.	23040	63	648			8,657
Williſton,	1763, June ſeven.	23040	471	836		2206.00.0	19,169
Worceſter.	1763. June eight.	23040		25			
Total.			4,152	11,489		15,381-14-0	223,029

CALEDONIA COUNTY.

Incorporated, November 5, 1792.

Names of the towns.	Dates of the grants.	Acres of land.	No. of inhabitants. 1791.	1800.	Ratable property in the year 1781.	1791.	1800.
Avery's Gore,		3936					
Barnet,	1763, Sept. ſixteen.	25684	477	858	651-05-0	2028-00-0	18,792
Billymead,	1782, Feb. twenty ſix.	23040		144			3,481
Burkee,	1782, Feb. twenty ſix.	23040		108			4,248
Cabot,	1780, Nov. ſix.	23040	122	349			6,181
Calais,	1780, Oct. twenty one.	23040	45	443			7,564
Danville,	1786, Oct. twenty ſeven.	27911	574	1514		1440-12-6	23,598
Deweyſburgh,	1782, Feb. twenty eight,	6310	48	151			2,256
Groton,	1780, Nov. ſeven.	28300	45	218			3,358
Hardwick,	1780, Nov. ſeven.	23040	3	260			6,227
Harris's Gore,	1780, Feb. twenty five.	6026					
Hopkinsville,	1786, Oct. twenty.	11264		20			

Names of the towns.	Dates of the grants.	Acres of land	No: of inhabitants in 1791	No: of inhabitants in 1800.	Ratable property in the year 1781. £.	1791. £.	1806. Dol.
Lyndon,	1780, November two.	33040	59	542			10,530
Marſhfield,	1782, Oct. twenty ſix.	23040		172			3,117
Montpelier,	1780, Oct. twenty one.	23040	113	890		383-06-0	23,429
Peacham,	1763, Dec. thirty.	23040	365	873	214-10-0	1367-15-0	15,2[illegible]6
Plainfield,	1787, Oct. twenty ſix.	10000		256			5,673
Ryegate,	1763, Sept. eight.	[illegible]	187	406	427-00-0	994-15-0	10,797
Sheffield,	1780, Nov. ſeven.	[illegible]		170			2,349
St. Johnſbury,	1786, Oct. twenty ſeven	[illegible]	143	663		590-00-0	[illegible]
Waterford,	1780, Nov. ſeven.	23040	63	583			9,912
Walden,	1780, Nov. ſix.	23040	43	153			2,804
Wheelock,	1785, June eleven.	23040	33	568			5,531
Woodbury,	1780, Nov. ſix.			28			
Total.			2,225	9,377	1,292-15-0	6,804-08-6	179,498

FRANKLIN COUNTY.

Incorporated November 5, 1792.

Avery's Gore,	1796, June 28.	9723					
Bakersfield,	1787, Feb. twenty ſeven.	26596	13	222			5,831
Berkſhire,	1780, March thirteen.	23040		172			5,942
Belvidere,	1787, March five.	30100					
Cambridge,	1780, Nov. ſeven.	28533	359	733		1534-05-0	[illegible]
Colt's Gore,	1787, Oct. twenty ſix.	10000	15	51			
Enesburgh,	1780, March thirteen.	23040		143			3,746
Fairfax,	1763, Aug. eighteen.	23040	354	786		878-10-0	12,908
Fairfield,	1763, Aug. eighteen.		129	901		480-14-[illegible]	18,475
Fletcher,	1781, Nov. ſeven.	23040	47	200			4,737
Georgia,	1763, Aug. ſeventeen.	23040	340	1068		1312-10-0	19,94

Names of the Towns.	Dates of the Grants.	Acres of Land.	No. of Inhabitants in		Ratable property in the year		
			1791	1800.	1781.	1791.	1806.
Highgate,	1763, Auguſt ſeventeen.	23040	103	437		300-00-0	Dol. 9,307
Huntſburgh,	1787, Oct. twenty four.	23040	46	280			5,695
Johnſon,	1782, Feb. twenty ſeven.	23040	93	255		275-00-0	5,049
Montgomery,	1780, March thirteen.	23040		36			2,094
Richford,	1780, March thirteen.	23040		113			2,762
Sheldon,	1763, Auguſt eighteen.	23040	110	408		573-00-0	8,138
St. Albans,	1763, Auguſt ſeventeen.	23040	256	901		914-00-0	17,004
Sterling,	1783, Feb. twenty five.	23040		9			
Swanton,	1763, Auguſt ſeventeen.	23040	74	858			11,491
Total.			1,939	7,582		6,267-19-2	147,862

ORLEANS COUNTY.

Incorporated, November 5, 1792.

Barton,	1781, Oct. twenty three.	23040		128			3,779
Brownington,	1782, Feb. twenty ſix.	19845		65			2,563
Coventry,	1784, October thirteen.	22522		7			
Craftſbury,	1780, November ſix.	23040	18	229			5,418
Derby,	1787, March eight.	23040		178			5,674
Duncanſborough,	1781, Oct. twenty ſix.	[illegible]		60			
Elmore,	1780, November ſeven.	23040	12	45			
Eden,	1780, November eight.	23040		29			2,004
Glover,	1781, June twenty ſeven.	23040		36			2,169
Greenſborough,	1780, November ſix.	23040	19	280			7,211
Hydepark,	1780, November ſix.	23040	43	110			
Holland,	1787, March eight.	23040					1,409
Iraſburgh,	1781, Feb. twenty three.	23040		15			2,034
Jay,		7600					

Names of the towns.	Dates of the grants.	Acres of land.	No. of inhabitants in 1791.	No. of inhabitants in 1800.	Ratable property in the year 1781.	Ratable property in the year 1791.	Ratable property in the year 1806.
Kellyvale,	1787, March five.	39000					
Lutterloh,	1781, June twenty ſeven.	23040		12			
Miſſiſkoue,		23040		32			
Morgan,	1780, November ſix.	20135					
Morriſtown,	1780, November ſix.	23040	10	144			4,118
Navy,	1780, November ſix.	23040					
Salem,	1780, November ſeven.	17330		16			
Troy,		23040					1,505
Weſtfield,	1780, November thirteen.	23040		16			1,060
Wolcott,	1780, November ſeven.	23040	32	47			
Total,			1,34	1,439			38,958

ESSEX COUNTY.

Incorporated November 5, 1792.

Averill,	1762, June twenty nine.	23040					
Avery's Gore,	1791, Jan. twenty ſeven.	10685					
Brunſwick,	1761, October thirteen.	14716	66	86			1,838
Canaan,	1782, Feb. twenty ſix.	18700	19	74			2,477
Concord,	1780, November ſeven.	30158	49	322			6,625
Eaſt Haven,	1770, November ſeven.	23040					
Ferdinand,	1761, October thirteen.	15020					
Granby,	1761, October ten.	23040		69			1,437
Guildhall,	1761, October ten.	19477	158	296	416-10-0	730-6-11	6,250
Lemington,	1762, June twenty nine.	23040	31	52			
Lewis,	1762, June twenty nine.	23040					
Lunenburgh,	1763, June five.	29681	119	393	365-00-0	494-15-0	7,786
Maidſtone,	1761, October twelve,	17472	125	152	220-00-0	679-10-0	2,925

Names of the towns.	Dates of the Grants.	Acres of Land.	No. of Inhabitants in 1791.	1800	Ratable property in the year 1781.	1791.	1806.
Minehead,	1762, June twenty nine.	23040		27			1,501
Newark,	1780, Nov. ſix.	23040		8			
Norton,	1787, March eight.	23040					
Random,	1780, Nov. ſix.	23040					
Victory,	1780, Nov. ſix.	23040					
Warren's-Gore,	1789, Oct. twenty.	6880					
Warner's Gore,		2000					
Weſtmore,	1780, Nov. ſeven.	23040					
Winlock,	1761, Oct. thirteen and 1780, Nov. ſix.	21457					
Total.			567	1,479	1001-10-0	1,904-11-11	30,839

GRAND ISLE COUNTY.

Incorporated November 9, 1802.

Alburgh,	1781, Feb. twenty three.	23040	446	760			9,867
North-Hero,	1779, Oct. twenty ſeven.	6272	125	824		569-16-0	7,402
Middle Hero, & South-Hero,	1789, Oct. twenty ſeven.	18730	337	1189		1979-05-0	10,46[illegible] 13,17[illegible]
Vineyard,	1779, Oct. twenty ſeven.	4620	47	135		159 15-0	2,699
Total in the County.			1,155	2,408		2,708 15-0	48,019
Total in the State.			85 539	164,465	149,641-17-6	824,796-18-9	2,738,[illegible]

The foregoing are the liſts which were given in to the General Aſſembly by the particular towns, in conformity to an act of the legiſlature. In computing the value of the liſt taken in 1791, the prices of ſome of the capital articles were thus ſtated by the Aſſembly:—Improved land, ten ſhillings per acre. Neat cattle, one year old, fifteen ſhillings per head; two years old, thirty ſhillings per head; three years old and upwards, forty ſhillings per head: An ox, four years old, and upwards, three pounds. Horſes, one year old, twenty ſhillings; two years old, forty ſhillings; three years old and upwards, four pounds.—As theſe prices were ſcarcely one half of the current prices of thoſe articles, the real value of the ratable property of the ſtate, muſt have been double of what was ſet down in the liſts. It is probable this was alſo the caſe with the liſts taken in 1781. But although neither of theſe liſts will give the exact value of the taxable property of the ſtate, at either of thoſe periods, they will give the increaſe, or the relative value of the taxable property at thoſe times: And we can clearly deduce from them, that from the year 1781, the whole ratable property of Vermont became doubled in eight years and an half; and from the year 1791, the ratable property of the ſtate became doubled, in nine years.

In Virginia, the period at which the value of their land and ſlaves taken conjunctly, doubles, is ſtated by Mr. Jefferſon, to be about twenty years.*

The number of towns repreſented in 1781, was ſixty three: The number repreſented in 1791, was one hundred and twenty ſix. In 1806, the number of towns that ſend repreſentatives, was one hundred and eighty ſeven.

Thoſe towns which are not taxed or repreſented, do not give in to the aſſembly any account of their ratable property.

No proper enumeration of the inhabitants of Vermont, was made, before the cenſus taken in 1791. The general eſtimations of the aſſemblies and agents before that time, were merely conjectural. From a report which Gov. Tryon of New York made to the king of Great Britain, of the ſtate of that province in the year 1772, it appears that he had procured a liſt of the inhabitants of each county in that province: Two of thoſe counties, Cumberland, and Glouceſter, were in Vermont; and contained the tract of country, which lies on the eaſt ſide of the green mountains, and is now formed into the counties of Windham, Windſor, and Orange. The number of people in thoſe counties in the year 1771, was as follows:

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* Notes on Virginia, p. 187.

Names of the Counties.	WHITES.						BLACKS.						
	Males under ſixteen.	Males above ſixteen and under ſixty.	Males 60 & upwards	Females under ſixteen.	Females above ſixteen.	Total of Whites in each County.	Males under ſixteen	Males above ſixteen and under ſixty.	Males 60 & upwards	Females under 16.	Females above 16.	Total of Blacks in each County	Total of both Whites and Blacks.
Glouceſter.	178	183	9	193	151	715	2	4	0	1	0	7	722
Cumberland.	1107	1002	59	941	862	3935	0	6	1	3	2	12	3947

Theſe two Counties, at that time, contained about two thirds of the people in the whole diſtrict. The whole number of inhabitants therefore in 1771, muſt have been about ſeven thouſand.—In the Cenſus taken in 1791, the numbers ſtood thus:

Counties.	Free white males of ſixteen years and upwards, including heads of families.	Free white males under ſixteen years.	Free white females, including heads of families.	All other free perſons.	Slaves.	Total.
Addiſon,	1784	1664	2964	37		6449
Bennington,	3114	3211	5893	20	16	12254
Chittenden,	2256	1764	5258	23		7301
Orange,	2874	2768	4846	41		10529
Rutland,	3986	4092	7456	31		15565
Windſor,	4103	4157	7543	45		15748
Windham,	4418	4672	8545	58		17693
Total,	22435	22328	40505	255	10	85539

In the Cenſus taken in 1800, the numbers were theſe:

FREE WHITE MALES.					FREE WHITE FEMALES.					
Under ten years of age.	Of ten and under ſixteen.	Of ſixteen & under twenty ſix, including heads of families.	Of twenty ſix and under forty five, including heads of families.	Of forty five and upwards, including heads of families	Under ten years of age.	Of ten and under ſixteen.	Of ſixteen & under twenty ſix, including heads of families.	Of 26 and under 45 including heads of families.	Of 45 and upwards, including heads of families.	All other free perſons except Indians not taxed.
to 10	to 16	to 26	to 45	45&c	to 10	to 16	to 26	to 45	45&c	
29420	12046	13242	16544	8076	28272	11366	12606	15287	7049	557

TOTAL 154,465.

ADDITIONAL NOTES.

SINCE the publication of the firſt volume, the theoretic eſtimation of the altitude of the White Mountains, mentioned vol. I. p. 28th and 29th, has been examined by barometrical obſervations; of which, Mr. N. Bowditch, an able mathematician of Salem, Maſſachuſetts, has favored me with the following account:

"The juſtneſs of your remarks relative to the height of the White Hills, in your hiſtory of Vermont, has been corroborated by ſome late barometrical obſervations.——The obſervations were made by a party conſiſting of Dr. Cutler, profeſſor Peck, and ſeveral other perſons beſides myſelf. I did not aſcend to the ſummit of the higheſt peak, but Dr. Cutler and profeſſor Peck did; and on the 28th of July, 1804, at two P. M. they found the Barometer to ſtand at 23 in. 39 inches, and Farenheit's Thermometer at 54 degrees. At the ſame time at the foot of the mountain, at Meſſervy's houſe, the Barometer ſtood at 29. in. 13, and the Thermometer at 86. At Salem and Boſton, 20 or 30 feet above the level of the ſea, the Barometer at that time ſtood at 30 in. 10; Thermometer at 82. On the 27th of July, 1805, at 8 A. M. the Barometer at Meſſervy's ſtood at 29 in. 13, and the Thermometer at 86. In Salem at the ſame time the Barometer ſtood at 30 in. 02, and the Thermometer at 68. From a compariſon of the obſervations at Meſſervy's with thoſe at Salem and Boſton, I find that the former place was elevated about 164 fathoms above the level of the ſea. And by the compariſon of the obſervations at the top of the mountain with that at Meſſervy's, I find that the height above Meſſervy's was about 1026 fathoms. So that the whole height above the level of the ſea was about 1190 fathoms, or but little more than ſeven thouſand feet. On the whole we may conclude that the higheſt point of the White Hills, is in round numbers not far from *ſeven* thouſand feet above the level of the ſea." *Letter of May* 30, 1808.

In Vol. I. p. 462, l. 22, the following remark reſpecting Dr. Franklin ſhould have been inſerted.

But among all their Philoſophical writers, it was in Franklin that the genius of ſcience roſe to the greateſt height, and appeared with the brighteſt luſtre. Trained up to the labors and profeſſion of a Printer, and without the advantages of education or wealth, this man by his diſcoveries in electricity, attained an eminent rank among the improvers of ſcience; and entailed a durable reputation both on himſelf, and on his country. In no philoſophical diſcovery had the human mind acted with greater energy and boldneſs, than when he conceived the idea of gaining acceſs to the treaſures, and giving a direction to the thunderbolts of heaven. Daring in deſign, he was accurate and ſucceſsful in the grand experiment: And the year 1752 will be long remembered in the annals of ſcience, as the time when the lightning was firſt drawn down from the heavens by the moſt ſimple of all contrivances, by Franklin's Kite at Philadelphia.

In Vol. II, p. 37, an account is given of the capture of Ticonderoga by colonel Ethan Allen. The following is his account of that affair:

"The firſt ſyſtematical and bloody attempt at Lexington, to enſlave America, thoroughly electrified my mind, and fully determined me to take a part with my country. And while I was wiſhing for an opportunity to ſignalize myſelf in its behalf, directions were privately ſent to me from the then colony, now ſtate of Connecticut, to raiſe the Green Mountain Boys, and if poſſible with them to ſurpriſe and take the fortreſs of Ticonderoga. This enterpriſe I cheerfully undertook; and after firſt guarding all the ſeveral paſſes that lead thither, to cut off all intelligence between the garriſon and the country, made a forced march from Bennington, and arrived at the lake oppoſite Ticonderoga, on the evening of the ninth day of May, 1775, with two hundred and thirty valiant Green Mountain Boys; and it was with the utmoſt difficulty that I procured boats to croſs the lake. However I landed eighty three men near the garriſon, and ſent the boats back for the rear guard commanded by Colonel Seth Warner; but the day began to dawn, and I found myſelf neceſſitated to attack the fort, before the rear could croſs the lake; and as it was viewed hazardous, I harrangued the officers and ſoldiers in the manner following: "Friends and fellow ſoldiers. You have for a number of years paſt been a ſcourge and terror to arbitrary powers. Your valor has been famed abroad, and acknowledged, as appears by the advice and orders to me from the general aſſembly of Connecticut, to ſurpriſe and take the garriſon now before us. I now propoſe to advance before you, and in perſon conduct you through the wicket gate; for we muſt this morning either quit our pretenſions to valor, or poſſeſs ourſelves of this fortreſs in a few minutes; and inaſmuch as it is a deſperate attempt, which none but the braveſt of men dare undertake, I do not urge it on any contrary to his will. You that will undertake voluntarily, poiſe your firelock."

The men being at this time drawn up in three ranks each poiſed his firelock. I ordered them to face to the right; and at the head of the centre file marched them immediately to the wicket gate aforeſaid, where I found a ſentry poſted, who inſtantly ſnapped his fuſee at me. I ran immediately towards him, and he retreated through the covered way into the parade within the garriſon, gave a halloo, and ran under a bomb proof. My party who followed me into the fort, I formed on the parade in ſuch a manner, as to face the barracks which faced each other. The garriſon being aſleep except the ſentries, we gave three huzzas, which greatly ſurpriſed them. One of the ſentries made a paſs at one of my officers with a charged bayonet, and ſlightly wounded him. My firſt thought was to kill him with my ſword, but in an inſtant I altered the deſign and fury of the blow to a ſlight cut on the ſide of the head; upon which he dropped his gun and aſked quarters, which I readily granted him; and demanded the place where the commanding officer kept. He ſhewed me a pair of ſtairs in the front of the garriſon, which led up to a ſecond ſtory in ſaid barracks, to which I immediately repaired, and ordered the commander, captain Delaplace to come forth inſtantly, or I would ſacrifice the whole garriſon: At which time the captain came immediately to the door with his breeches in his hand, when I ordered him to deliver to me the fort inſtantly: he aſked me by what authority I demanded it. I anſwered him, "In the name of the great Jehovah, and the Continental Congreſs." The authority of Congreſs being very little known at that time, he began to ſpeak again, but I interrupted him, and with my drawn ſword near his head again demanded an immediate ſurrender of the garriſon; with which he then complied, and ordered his men to be forthwith paraded without arms, as he had given up the garriſon. In the mean time ſome of my officers had given orders, and in conſequence thereof, ſundry of the barrack doors were beat down, and about one third of the garriſon impriſoned, which conſiſted of ſaid commander, a lieutenant Feltham, a conductor of artillery, a gunner, two ſergeants, and forty four rank and file; about one hundred pieces of cannon, one thirteen inch mortar, and a number of ſwivels. This ſurpriſe was carried into execution in the grey of the morning of the tenth of May, 1775. The ſun ſeemed to riſe that morning with a ſuperior luſtre; and Ticonderoga and its dependencies ſmiled on its conquerors, who toſſed about the flowing bowl, and wiſhed ſucceſs to Congreſs, and the liberty and freedom of America. Happy it was for me at that time, that the future pages of the book of fate, which afterwards unfolded a miſerable ſcene of two years and eight months impriſonment, were hid from my view." *Allen's Narative, p. 14—21.*

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